

Board of Trustees Meeting Minutes

08/05/2015 7:00 PM

7:00pm

The special meeting of the Board of Trustees was called to order at 7:00 pm with a salute to the flag led by Mayor Greg Pearl

Present: Mayor Pearl, Trustees: R. Barton, M. Meyers, J. Cummins

Also Present: Kimberly Roth- Clerk Treasurer, Dominic Papasergi-Police Chief/DPW Supervisor,

RESOLUTION#2015-165-ENTER INTO EXECUTIVE SESSION

On motion made by Trustee Cummins, second by Trustee Barton resolved to enter into executive session at 7:03pm. Aye-all, Nay-none.

RESOLUTION #2015-166-CLOSE EXECUTIVE SESSION

On motion made by Trustee Cummins, second by Trustee Barton resolved to close executive session at 8:13pm. Aye-all, Nay-none.

RESOLUTION #2015-167-ADOPTING THE RECOMMENDATION OF THE HEARING OFFICER IN THE MATTER OF LANCE JOBE AFTER A HEARING UNDER CIVIL SERVICE LAW SECTION 75

At a special meeting of the Board of Trustees of the Village of Allegany, in Cattaraugus County, New York, held at the Allegany Village Hall, on August 5, 2015 at 7:00 PM, the following were present:

Greg Pearl, Mayor

Jerry Cummins, Trustee

Robert Barton, Trustee

Melissa Meyers, Trustee

WHEREAS, a disciplinary proceeding was commenced by the Board of Trustees of the Village of Allegany against Lance Jobe, Code Enforcement Officer, Deputy Superintendent of Public Works, and Head Water Operator of the Village of Allegany, pursuant to the Notice and Statement of Charges dated June 8, 2015, and

WHEREAS, Lance Jobe through his attorney filed an “Answer to Notice and Statement of Charges” dated June 25, 2015, and

WHEREAS, on June 8, 2015, David R. Moshier was appointed as the Hearing Officer to convene and conduct a disciplinary hearing in this matter, and

WHEREAS, a disciplinary hearing was conducted on July 2, 2015 and July 10, 2015 before Hearing Officer David R. Moshier, in which the Village of Allegany and Lance Jobe appeared represented by their respective counsel, and in which witnesses appeared and testified, and

WHEREAS, a transcript of the disciplinary hearing was made, copies of which were forwarded to Lance Jobe’s Counsel, and

WHEREAS, the Hearing Officer submitted to the Board of Trustees a document entitled “Determination After Hearing” dated July 31, 2015, which includes the Hearing Officer’s report, analysis of the testimony and evidence presented, findings of fact, and a recommendation of disciplinary action, and

WHEREAS, the Board of Trustees of the Village of Allegany has reviewed and considered the transcript of the hearing in this matter, all documents in relation thereto, and the Determination After Hearing of Hearing Officer David R. Moshier dated July 31, 2015, a copy of which is annexed hereto and made a part hereof as Exhibit A, and

WHEREAS, the Board of Trustees of the Village of Allegany finds it appropriate to adopt the Determination After Hearing of the Hearing Officer in this matter in its entirety;

NOW, THEREFORE, BE IT RESOLVED, that after a full, thorough and careful review of the Determination After Hearing of the Hearing Officer and the record of the disciplinary proceeding in this matter, and after careful consideration thereof, the Board of Trustees of the Village of Allegany hereby adopts all of the findings of fact of the Hearing Officer as contained in his Determination After Hearing dated July 31, 2015, and

BE IT FURTHER RESOLVED, that after a review of the record of the disciplinary proceedings, there are sufficient grounds to support the Board’s determination in this matter, as further reflected in the Determination After Hearing of the Hearing Officer dated July 31, 2015, which includes the Hearing Officer’s report, analysis of the testimony and evidence presented, findings of fact, and a recommendation that Lance Jobe be dismissed from service, a copy of which is annexed hereto and made a part hereof as Exhibit A and incorporated herein by reference, and

BE IT FURTHER RESOLVED, that Lance Jobe is hereby found to be guilty of the majority of specifications contained in the Notice and Statement of Charges in this matter dated June 8, 2015, in that Lance Jobe is hereby found to be guilty of Charge I, including Specification 1, Specification 2, Specification 3, Specification 4, Specification 5, Specification 6, Specification 7 and Specification 10 thereof, and

BE IT FURTHER RESOLVED, that based upon the fact that Lance Jobe engaged in a pattern and plan of willful misconduct while in the course of his employment with the Village of Allegany, the Board of Trustees determines that dismissal from the positions of Deputy Superintendent of Public Works, Head Water operator and Code Enforcement Officer with the Village of Allegany and reinstatement as Maintenance Worker and Building Inspector (Part-

Time) is the appropriate disciplinary action to be taken with respect to this matter, and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby accepts and adopts the recommendation made by the Hearing Officer that Lance Jobe be reinstated in the non-supervisory positions of Maintenance Worker and Building Inspector (Part-Time) with the Village of Allegany, and

BE IT FURTHER RESOLVED, that Lance Jobe is hereby is not awarded back pay for the 30 days suspension and 10 days extended for a total of 40 days in his capacity as Maintenance Worker, and

BE IT FURTHER RESOLVED, that any additional compensation awarded to Mr. Jobe in his capacity as Head Water Operator and Deputy Superintendent of Public Works is not restored and his hourly rate in his capacity as Maintenance Worker shall be \$20.65 in his effective hourly rate as Building Inspector (Part-Time) shall be \$21.95(only paid for hours worked as Building Inspector), and

BE IT FURTHER RESOLVED, that the Mayor of the Village of Allegany is hereby authorized to take any and all action to effectuate the notification to Lance Jobe of this resolution, to determine his appropriate start date, hours he will work and apprise him of his job duties, and

BE IT FURTHER RESOLVED, that as Lance Jobe is hereby reinstated under the above referenced terms and the Village Clerk is directed to file a copy of this resolution together with a copy of the Determination and transcripts with Cattaraugus County Civil Service Commission.

This resolution shall take on immediately.

RESOLUTION #2015-168-CREATION OF VILLAGE WORKING FOREMAN POSITION

On motion made by Trustee Cummins, second by Trustee Barton resolved to approve the creation of a village working foreman position. Aye-all, Nay-none.

RESOLUTION #2015-169-CREATION OF A SUBSTITUTE PART TIME BUILDING INSPECTOR POSITION

On motion made by Trustee Barton, second by Trustee Cummins resolved to approve the creation of a substitute part time building inspector position. Aye-all. Nay-none.

RESOLUTION #2015-170-APPOINTMENT OF CATHERINE AMBUSKI

On motion made by Trustee Barton, second by Trustee Meyers to approve the appointment of Catherine Ambuski as Substitute Part Time Building Inspector. Aye-all, Nay-none.

RESOLUTION #2015-171-APPOINTMENT OF FRANK SNYDER

On motion made by Trustee Meyers, second by Trustee Cummins to approve the appointment of Frank Snyder as Working Foreman. Aye-all, Nay-none.

RESOLUTION #2015-172-ADJOURN MEETING

On motion made by Trustee Meyers, second by Trustee Barton to adjourn meeting at 8:23pm. Aye-all. Nay-none.

Respectfully submitted.

Kimberly Roth/Clerk Treasurer