

**SPECIAL MEETING OF THE TOWN BOARD
PALMYRA TOWN HALL
OCTOBER 3, 2016**

At 7:00 PM., Supervisor Kenneth Miller called to order Special Town Board meeting, called for Monday October 3rd, 2016, at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra, New York.

CALL TO ORDER

NOTICE OF SPECIAL MEETING – (Copy as posted on website and in numerous locations as specified by law.)

NOTICE OF SPECIAL MEETING

September 28, 2016 - Notice is hereby given that the Town Board of the Town of Palmyra will meet in on Monday October 3rd, at 7:00 pm, at the Palmyra Town Hall, 1180 Canandaigua Rd, for the purpose of considering and taking possible action on a personnel matter, and to possibly approve a payment to the community center for upkeep of the property.

Irene Unterborn, Town Clerk

Supervisor Miller waved the reciting the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Upon roll call, the following Board members were present:

- Kenneth Miller, Supervisor
- James Welch, Deputy Supervisor
- Michael Lambrix, Councilman
- Todd Pipitone, Councilman

ROLL CALL

Attendance

ATTENDANCE

Also in attendance were Book keeper Petra Anderson, Highway Superintendant Mike Boesel, and Town Attorney Paul Rubery.

Reports of Standing Committees

MTN: ENTER INTO EXECUTIVE SESSION

Human Services: Town Clerk, Archives, and Town Hall Facility - Councilman Bradley Cook

1. Approve: Emergency Purchase of Computer: Brad Cook made the motion to approve an emergency purchase of a computer for the town clerk’s office not to exceed \$600.00.

Second: Todd Pipitone Vote: 4 Ayes. Carried.

Supervision: Animal Control, Human Resources, Historian, and Finance - Supervisor Ken Miller

Executive Session

At 7:02 PM, Mike Lambrix made the motion to enter into executive session to discuss a matter of particular personnel, to include the Town Clerk, Book Keeper, and Town Attorney.

Second: Todd Pipitone Vote: 4 Ayes. Carried.

Exit Executive Session

At 8:42 PM, Todd Pipitone made the motion to exit executive session.

Second: Mike Lambrix Vote: 4 Ayes. Carried.

Public Works: Highway Department, Equipment and Facilities - Councilman James Welch

1. Will report at October 27, 2016

Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans - Councilman Todd Pipitone

1. Will report at October 27, 2016

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices

Councilman Michael Lambrix

1. Will report at October 27, 2016

Agenda Items

1. Approve: Todd Pipitone made the motion to table Resolution #15-2016: Rules and Regulations for the Discipline and Determination of Charges against Employees of the Town of Palmyra until further review and discussion.

Second: Mike Lambrix Vote: 4 Ayes. Carried.

2. Approve: Resolution #16-2016: Authorizing Disciplinary Action to be taken against Town Employee Matthew LaMora: Todd Pipitone made the motion to approve Resolution #16-2016: Authorizing Disciplinary Action to be taken against Town Employee Matthew LaMora, to be signed by the Supervisor on behalf of the Town Board, as amended as follows by Town Attorney Paul Rubery.

**RESOLUTION #16-2016
AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN
AGAINST TOWN EMPLOYEE MATTHEW LaMORA**

Whereas, the Town Board of the Town of Palmyra has received information indicating that Town employee, Matthew LaMora, was involved in a motor vehicle accident with a Town vehicle which he was operating at the time, in that he crashed into a scale located at the Dolomite Plant in Palmyra, New York, causing damage to the scale estimated to be about \$2265.00 and damage to the Town vehicle which had been entrusted to his care. The accident occurred on the 17th day of August, 2016, while entering the scale at the Dolomite Plant (Entering into the scale is a routine that all Town equipment operators have experienced).

Whereas, on October 3, 2016, the Town Board preferred the following charges against Matthew LaMora:

On August 17, 2016, while operating a Town vehicle in the performance of his duties without due care, carelessly crashed his truck into the scale at the Dolomite Plant in Walworth, New York, causing \$2265.00 of damage to the scale and damaging the Town vehicle. This incident is in violation of Town Standards of Conduct for poor and/or substandard performance and poor care of equipment.

And whereas, the Town employee met with the Town Highway Superintendent and the Town Supervisor and reviewed the incident report and violations; and

That attached hereto is a copy of that incident report; and

Whereas, the incident report was presented to the Town Board on October 3, 2016, and

Whereas, after due deliberation, the Town Board did pass the following resolution:

Now therefore be it resolved by the Town Board of the Town of Palmyra, in a special session duly convened, as follows:

- 1) It is hereby determined that Matthew LaMora violated the Town Standards of Conduct and Town rules for care of Town vehicles.
- 2) That Matthew LaMora, as penalty and punishment for a first offense for damaging property not belonging to the Town of Palmyra, is to forfeit one (1) PTO day. (In the case of forfeiture of time, PTO is ordered by use of vacation days, personal days, and finally use of sick days.)
- 3) That the Town Supervisor will set a meeting with Matthew LaMora, and present this resolution.
- 4) That Matthew LaMora shall have eight (8) days to request a hearing from the date of the receipt of this resolution.
- 5) This resolution shall be effective immediately.

**By ORDER OF THE TOWN BOARD ON OCTOBER 3, 2016
(With approval given to Supervisor Miller to sign on behalf of the board)**

Second by Mike Lambrix. A roll call vote was requested.

Councilman Michael Lambrix	Aye
Councilman James Welch	Aye
Councilman Todd Pipitone	Aye
Councilman Brad Cook	Aye

Vote: 4 Ayes. Carried.

3. Approve: Resolution #17-2016 – Authorizing Disciplinary Action to be taken against Town Employee Matthew LaMora: Supervisor Miller made the motion to approve Resolution #17-2016: Authorizing Disciplinary Action to be taken against Town Employee Matthew LaMora, to be signed by the Supervisor on behalf of the Town Board, as amended as follows by Town Attorney Paul Rubery.

**RESOLUTION #17-2016
AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN
AGAINST TOWN EMPLOYEE MATTHEW LaMORA**

Whereas, the Town Board of the Town of Palmyra has received information indicating that the Town employee, Matthew LaMora, was involved in workplace violence on Town property, Town Highway Department facility on the 30th day of August, 2016, and that he was charged with assault and arraigned in the Village Court of the Village of Palmyra. The Town of Palmyra has adopted a Workplace Violence Prevention Policy applicable to all Town of Palmyra properties.

Pursuant to 12 NYCRR Part 800.6 workplace violence, any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment, including but not limited to intentional and wrongful physical contact with a person without his or her consent that entails some injury.

Whereas, on October 3, 2016, the Town Board preferred the following charges against Matthew LaMora:

On August 30, 2016, Matthew LaMora, on Town property (Town Barns), did attack a fellow employee and knock the employee down.

Whereas, the Town Board of the Town of Palmyra has established penalties for violations of the rules and regulations contained in the Employee Handbook which is issued to all employees.

A) For an employee with no previous write-ups or citations in the employee's record, and for damage or injury to the property of third parties that is an accident, the penalty, subject to the discretion of the Town Board, will be the loss of one (1) day of PTO. (In the case of forfeiture of time, PTO is ordered by use of vacation days, personal days, and finally use of sick days.)

B) For an employee with one previous write-up or citation in the employee's record, and for a violation of the rules and regulations in the Employee Handbook, the penalty, subject to the discretion of the Town Board, will be the loss of six (6) days of PTO.

C) For an employee with two previous write-ups or citations in the employee's record and a third violation or write-up, then the employee is subject to disciplinary action of a fine, suspension, or dismissal.

Now therefore, be it resolved by the Town Board of the Town of Palmyra, at a special session duly convened, as follows:

1. That upon investigation and a review of the statements of witnesses, and after due deliberation, it is hereby determined that Matthew LaMora, an employee of the Town of Palmyra, was involved in a violation of the Workplace Violence Policy in that on August 30, 2016, at the Town Barns located in the Village of Palmyra, he attacked a fellow employee and pushed the employee to the ground, causing injury to the employee that necessitated medical treatment. That this action was a violation of the Workplace Violence Policy.
2. That this is a second write-up or citation for Matthew LaMora. (The first being documented on August 17th, 2016 in which there was damage caused to property at the Dolomite Plant).
3. That as and for a penalty for violation of Workplace Violence Policy, subject to the discretion of the Town Board, Matthew LaMora shall lose six (6) days of his PTO.
4. That the Town Supervisor will call a meeting with Matthew LaMora, and present this resolution.
5. That Matthew LaMora shall have eight (8) days to request a hearing from the date of the receipt of this resolution.
6. This Resolution shall take place immediately.

**By ORDER OF THE TOWN BOARD ON OCTOBER 3, 2016
(With approval given to Supervisor Miller to sign on behalf of the board)**

Second by Mike Lambrix. A roll call vote was requested.

Supervisor Ken Miller	Aye
Councilman Michael Lambrix	Aye
Councilman James Welch	Aye
Councilman Todd Pipitone	Aye
Councilman Brad Cook	Aye

Vote: 5 Ayes. Carried.

Motion to Adjourn: At 8:50 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Mike Lambrix Vote: 4 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Palmyra Town Clerk

NEXT REGULAR MEETING: THURSDAY OCTOBER 27, 2016
7:00 PM –EAST PALMYRA FIRE HALL