

**Village of Walden  
Board of Trustees  
Special Meeting  
May 6, 2008**

Mayor Becky Pearson called the special meeting of the Village of Walden Board of Trustees to order at 7:30pm.

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matise
	Trustees	Roy Wynkoop
		Mary Jean Norman
		Richard Hurd
		Susan Rumbold
		Marcus Millspaugh Jr.

Also Present: James C. Politi, Village Manager

Mayor Pearson stated that she would like to update the board as to what has been transpiring. She has been on the board for three years and she usually has to search for information. We really need to start running it like a business. The past board was allowed things to happen or not to happen and this new board they can discuss....

Trustee Norman asked what the mayor meant by the past board allowing things to happen.

Mayor Pearson stated that there were things that may have not been discussed because they didn't want them to be discussed. That is just how she feels and sees things. Hopefully we can move forward. The last few meetings the discussions have gotten out there and it's okay to discuss and it's okay to disagree. We don't need to yell at each other. You don't have to like what someone is saying but you have to be courteous to each other. There are issues within the police department that she would like clarification on. She would like to go through all the departments and understand what is going on. She knows there is a policy and procedure book in the police department that she didn't know they had. There is a contract besides that. The board has to be brought up to date with the police contract negotiations. The police department has 1.75 of the budget and she wants to understand more, scheduling is one of them. The chief is off for a while and there are sergeants out. She wants to know who is covering what and how it gets handled. She spoke to the manager and he was comfortable with what was happening and she wants to understand it and say this is what is happening. It's out there in the public. How can you run a police department, your not having the leadership that's there? She here's this out on the street. She wants to hear about the scheduling.

Chief Holmes asked what this meeting is for.

Mayor Pearson stated that it's for a lot of things. It's also about what they discussed the other morning.

Manager Politi stated that it was his understanding that this meeting was about the issues with Mr. Solfaro. Not a question and answer with the chief.

Mayor Pearson stated that she's asking about scheduling. She wants to know coverage. Who is in charge when the chief isn't there? What's the protocol in our police department?

Manager Politi stated that the sergeants take over.

Mayor Pearson indicated a sergeant.

Manager Politi stated that yes, you have one. Sergeant McCoskery is out on 207-c and we're processing him out. There is a sergeant in, Sergeant Metzger and you will have a hit and miss with Sergeant Schwandt because of personal issues. You always have the chief on the phone even when he's on vacation. Even in a perfect world, if you have all three sergeants in and you have the chief in and because they need days off you're still going to have shifts without he supervisor right there. You'd have to get to a fourth and fifth sergeant to fill the holes. You have access to the sergeants and the chief in an emergency.

Chief Holmes stated that there is a process and its not rocket science, it's based on three options, the first is resources meaning manpower. The second option is contractual which are sergeants work a five and two, patrolmen work a four and two. They try to get 24 hour coverage the best they can. They have part timers that fill the gap. At any given time the number of manpower they have is based on injuries, based on injuries and officers leaving and coming back, based on the budget for new officers. The bottom line is the number of manpower that he has, who is available and the contractual items. At any given time he has to look at the manpower, they do a monthly schedule; the sergeant is responsible for that based upon guidance from him.

Manager Politi stated that the village is in the process of arbitration which is litigation. Where you're going with scheduling, before he goes any further, pertains to this, pertains to litigation.

Trustee Rumbold stated that if you're asking basic questions on how scheduling works that's not executive session. If you start talking about particular personnel or contract issues then it is executive session.

Deputy Mayor Matise asked if the monthly schedule was based on bidding.

Chief Holmes stated, let's not go into detail like you want to go. That could take some time. The bottom line is based upon contractual items the monthly schedule or the

six month schedule is based upon a memorandum of understanding. That is the third thing he wants to talk about. There is a memorandum of understanding out there, which is from 1996 and that has to do with patrolmen bidding. Going back the patrolmen used to work on a weekly schedule, A line for four days, off for two days and then it rotated backwards, then you went to the B line, 8 to 4, then C line 4 to 12, then you went to a 9 to 5 shift and that shift slowly died when they got more manpower. That was 1996, they came up with this which is a six month bid, and there is a process they have to do. The process is based upon resources, resources are manpower and they come up with who is going to bid and how they are going to bid. A lot of that still follows the contract that gives the chief management rights to still do certain things. From 1996 up until now you get a document like a Memorandum of Understanding it almost supersedes and becomes almost ingrained into a contract. The MOU is out there, we have bids, we bid twice a year and that's where the patrolmen go. The sergeants don't bid. The sergeants work a five and two, five and two and a modified five and two. When he says a modified five and two, even though the contract says they have to work a five and two the bottom line is it becomes 40 hours a week. Remember a four and two rotation for the patrolmen is that they work 17 to 18 less days than your five day a week 40 hour employee. The sergeants contractually have to work 40 hours. There are many schedules out there. Back in 1990 they only had one sergeant and one chief and that went all the way back to the 50's. Back in 1990 it was decided that there would be two new sergeants added on making it three sergeants and the chief. The chief at the time gave them no guidance on where they were going to do the scheduling. So himself and Sergeant McCoskery worked on a schedule plan and they came up with a rotation that New York State Corrections go on which is a modified five and two. You'll always work a 40 hour week, but you'll also rotate. Because of that sometimes they work five days, one day off and then they go back into a rotation so they get two weekends off.

Mayor Pearson stated her concern is whose on and who's off and how comfortable they are.

Manager Politi asked the chief not to answer that because it's part of litigation.

Chief Holmes agreed.

Mayor Pearson asked about police issues out on the street.

Chief Holmes asked who's telling her.

Mayor Pearson stated that she received a phone call from a person on Berwick Avenue about skateboards on private property. There seems to be a lot of skateboard issues and we have a park and it's open.

Chief Holmes stated that his department acts upon complaints. Some of the things that are occurring are on private property and we can't get involved. He asked who the letter was from.

Mayor Pearson stated that it was from Mr. Hecht.

Chief Holmes stated that is on private property. That's on streets that aren't dedicated yet.

Mayor Pearson stated that it's all the same children. She doesn't know what's going to happen next and what they can and can't do. She gets phone calls all the time about it.

Deputy Mayor Matisse stated that the parents don't want the kids to come all the way over to the skateboard park. They can't bring them themselves or the kids are too young to be coming over there alone. That's a parental issue, not the board's issue.

Chief Holmes stated that it all comes down to parenting. They could be martinets if they wanted to, meaning anytime they see a skateboard he goes out and grabs it, anytime he sees a basketball court he goes out and grabs it, is that what the board wants.

Trustee Norman stated that with the basketball courts, yes.

Chief Holmes stated that there is still officer discretion on a lot of things.

Mayor Pearson stated that the woman that is complaining a lot talked about it being a street and how come it's a street and some other person told her that it wasn't a street and they could do whatever they want because it's a cul de sac.

Manager Politi stated that it is a street.

Mayor Pearson stated that she is afraid someone will get hurt. She's called the police department.

Manager Politi stated that they do respond.

Mayor Pearson stated that the other one is police officers that are at the bank sitting there. Someone came to her and said that two cars went through the stop sign and the police officer was on his cell phone and did nothing. They're not seeing things happening. She's just saying what she is hearing. She does have issues with cell phones. An officer this morning pulled out of the station and before he got out of the parking space he was on his cell phone. Who would he be calling?

Chief Holmes stated that the station could be calling him.

Trustee Hurd stated that under our form of government there is an individual, if you have a question like that why wouldn't you go to the village manager and state your concerns and if he can't answer them then he would go to the department head.

Mayor Pearson stated that she has talked about cell phones numerous times. She wants the board to hear and the board may also have issues.

Manager Politi stated that they said this the last time that the cell phone is technology that is there. They went back to the old call box concept. When the radios came out it was said why do you need radios call boxes work just fine. You have new technology, if the dispatcher calls on the cell, they call on the cell.

Mayor Pearson stated that she sees things differently.

Trustee Norman asked about the statement that the chief was going to be gone many weeks because his wife hurt her leg. She asked if this was true.

Chief Holmes stated that he will work the best he can. He will be in and out. He will let the manager know. He was on vacation when his wife broke her foot. The first week he took some time off, he came in on Monday because she was out. The doctor wanted her to get her first x-ray which was last Thursday. He said that it hadn't moved at all, because she hasn't moved and every week she will get x-rayed. He has to take each week because two things are occurring in his life, one being he has a two year old that takes up most of his time and his wife can't do anything with him. His mother in law helps him out during the week. So any given week he has to have the option of doing a few things. Last week he had to put the sergeant in charge, which was Sergeant Metzger, because he wasn't going to be here. He came in for two hours for a conference call. He came in Monday. Unfortunately Sergeant Schwandt had a family issue, his wife had an operation and he had to take off, he had the time. These things have happened before. He has to play each week as he can. When it first happened his wife said she would be out five weeks, so he has to be prepared to say I will be in and out. Originally he told the manager that he will be in on Mondays depending on what happens with the other sergeants will depend when he can be here and when he can't. This week he will be here Wednesday and not Thursday and Friday.

Trustee Norman stated that she was told Jeff is going to disappear for five weeks and that bothered her.

Chief Holmes stated that he could disappear for five weeks; he has a lot of time. That's what it's for, emergencies.

Trustee Norman asked if there are no sergeants on the weekends.

Chief Holmes stated that some weekends there are none. This last weekend Sergeant Schwandt had military and he's off for two days. Sergeant Metzger gets his rotation of the weekends off. In the perfect scheduling if they still had Sergeant McCoskery, Sergeant Metzger and Sergeant Schwandt, when Sergeant Schwandt has military, even though he's scheduled he gets 30 days a year off, it's New York State military law. So he wouldn't be on the schedule. This is Sergeant Metzger's normal weekend, he gets two weekends off. This happens. Everyone likes to see a supervisor.

When you look at the schedule it's not a perfect schedule with the number people they have. Yes, this last weekend there was no sergeant on. He and sergeant put out an email saying they were available on phone calls. They can call Sergeant Schwandt at night. This has worked all the time.

Trustee Wynkoop stated that he can honestly say he's had no complaints about the police department. They don't have many problems in his neighborhood.

Trustee Norman stated that she's not saying she gets complaints about the police department every day. She's just saying there are things out there and she feels the chief should be aware of them. There have been complaints of officers on cell phones. She observed an officer on a cell phone for an hour in Guido's parking lot.

Mayor Pearson stated that the complaints could be little but they all add up. She hears the least.

Trustee Hurd stated that he's heard nothing.

Mayor Pearson asked if the chief put out for a sergeants test.

Chief Holmes stated that they were.

Mayor Pearson asked what the procedure was.

Chief Holmes stated that they get the sergeants test every year. He would like to talk about that further in executive session.

Trustee Norman stated that the town police have to stop speeding in this village.

Chief Holmes stated that he will talk to Chief Amthor. They found out last Friday that they didn't get the grant for the joint communications.

### **Executive Session**

Mayor Pearson moved to hold an executive session pursuant to 105-(f), Police Personnel, of the Public Officers Law. Seconded by Trustee Wynkoop. All ayes. Motion carried.

Trustee Rumbold moved to reconvene the special meeting. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Adjournment**

Trustee Hurd moved to adjourn. Seconded by Trustee Norman. All ayes. Meeting adjourned.

Respectfully submitted,

Nancy Mitchell  
Village Clerk