

**Village Board  
Meeting Minutes  
January 12, 2021  
3:30 p.m.**

Present: Mayor Lee, Trustees Zabelny, Fowler, Speer, Farrell  
Village Manager/Clerk Shari Pearce  
DPW Superintendent Keith Brown  
Deputy Clerk Amy Harter

Guests: None

Mayor Lee to call the Village Board meeting to order with the Pledge of Allegiance followed by a moment of silence. The meeting was held in the Board Room and made available to the public via Zoom. This was a special meeting called by Mayor Lee to discuss the future DPW Superintendent position due to the upcoming planned retirement of Keith Brown in February.

**DPW Report**

Retirement: Keith Brown, DPW Superintendent will be retiring in February 2021. The board reviewed the job description for the position. A final draft was agreed upon which will be available to the board on January 13<sup>th</sup> for the final approval. The position will be advertised in the Suburban News and on our website and Facebook page. The interview team will consist of Mayor Lee, Trustee Zabelny, Shari Pearce, Keith Brown and Greg Brothers. The team will decide on the final candidates for additional interviews with the rest of the board.

Special Police: Village Manager, Shari Pearce reported since the resignation of Craig Burritt, it is necessary to hold a meeting with all municipalities to discuss his replacement. Mayor Lee will contact Parma Superintendent, Jack Barton to schedule a meeting soon.

Executive Session: Deputy Clerk, Amy Harter, reported the board has held Executive Sessions in August, December of 2020 and in January 2021 that have not been handled according to Chapter 6 of the New York State Open Meetings Law. A copy of this law was emailed to each board member prior to tonight's meeting for their review.

There is a specific list of "Acceptable Reasons" for entering into Executive Session. They are as follows which is taken from the NYCOM Handbook of Village Officials, Chapter 6 Open Meeting Law:

## **ACCEPTABLE REASONS FOR ENTERING INTO EXECUTIVE SESSION**

The following constitutes a complete list of the areas for which a public body may enter executive session:

- Matters which if disclosed will imperil the public safety.
- Matters which may disclose the identity of a law enforcement agent or informer.
- Information regarding current or future investigations or prosecutions of a criminal offense which would imperil effective law enforcement if disclosed.
- Discussions of proposed, pending or current litigation.
- Collective negotiations pursuant to the Taylor Law.
- The medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- The preparing, grading, or administering of examinations; and
- The proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the public body, but only when publicity would substantially affect the value thereof.

### **VOTING ON MATTERS IN EXECUTIVE SESSION**

A public body may vote in executive session on any of the above-referenced issues. However, a public body may never vote to appropriate public funds in executive session. If a public body enters into executive session for an unauthorized purpose or if, having properly entered into an executive session, the public body discusses issues or takes action on issues that are not proper for executive session, the action taken may be nullified by the courts and attorney's fees may be awarded.

**Resolution** to amend the meeting minutes from August 6<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 24<sup>th</sup> to address an employee discipline matter. Motion made by Trustee Fowler, seconded by Trustee Speer. Carried 4-0-1. Trustee Farrell abstained. She was not a board member at that time.

**Resolution** to amend the December 1, 2020 minutes to discuss the longevity pay of Cody Kelly. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously, 5-0.

**Resolution** to recognize the action of the board to ask the public and the administration to leave the January 2, 2021 meeting without cause and acknowledges not to continue this practice. The board recognizes this is not an executive discussion topic and they will be more mindful in the future. Motion made by Trustee Fowler, seconded by Trustee Zabelny. Carried unanimously, 5-0.

**Resolution** to hire Richard D. Rosenbloom, Esq, Boylan Code, LLP at \$250 per hour with a retainer of \$2500 to investigate two employee claims of workplace violence/hostile workplace allegations. Motion made by Trustee Farrell, seconded by Trustee Fowler. Carried 5-0.

### **Adjournment**

Motion to adjourn at 4:49 p.m. made by Trustee Fowler, seconded by Trustee Zabelny. Carried 5-0.

Respectfully Submitted,

Amy Harter, Deputy Clerk

