

REGULAR MEETING, TOWN OF MOUNT HOPE, APRIL 7, 2014

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The **regular meeting** of the Town Board of the Town of Mount Hope was held at Town Hall on **April 7, 2014** 7:30pm with the following present: Supervisor Chad Volpe, Councilman Matthew Howell, Councilman Gary Ketcham, Councilwoman Janet Sutherland, Councilman Dominick Cambareri and Town Clerk Kathleen Myers.

OFFICIALS PRESENT: Highway Supt. Hassenmayer, Police Chief Rickard, Attorneys David and Bill Bavoso.

Following the Pledge of Allegiance, the Supervisor called the meeting to order at 7:30pm. At this time, Supervisor Volpe called for a moment of silence for the passing of past Supervisor William Novak Jr.; then to please silence all cell phones.

RESOLUTION TO ACCEPT PRIOR MEETING MINUTES:

MOTION offered by Councilman Howell seconded by Councilman Cambareri that the minutes of the March 17, 2014 meeting as submitted are approved. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

CORRESPONDENCE:

1. MTA resolution
2. Building Inspector report March 2014
3. Updated Old school committee list
4. Complaint re: 7 Shoddy Hollow Road
5. Complaint re: 171 Spruce Road
6. MHFC report 3-17-2014 and April 7, 2014
7. Letter from HV Water Co.: flushing mains on April 22, 2014
8. Highway 284 Agreement

COMITTEE REPORTS:

POLICE DEPARTMENT by Chief Rickard:

Chief Rickard asked for the vote on the disciplinary law. He stated he met with Chad and the attorney to discuss a few things. They will mirror what the civil service law has currently. The union has no objection to the law. He spoke of the annual police awards; he would like for the board to choose a date either May 5 or May 19. There are a few commendations to be awarded. Norman Mann's last day will be May 30th. He has been here for 37 years. On that day they will have a breakfast for him at the station. He invited the board. He spoke of the Bullet proof vest grant that came out. They will participate in this. It is a 50-50 match. We pay 100% but the federal government reimburses us 50%. He spoke to Dave Hoovler (new DA) re: an old case that included seizure money. Mr. Hoovler will try to do a state seizure – they would get 23% of the money. Lt. Freeman and Will Garcia from the DA's office will move forward on this. A separate account will have to be set up for this as it cannot be co-mingled with other money. Supervisor Volpe asked the board members for a date for the awards. They agreed on May 5.

HIGHWAY DEPARTMENT by Supt. Hassenmayer:

Supt. Hassenmayer spoke re: CHIPS money from the Albany trip. The federal government added \$40,000,000.00 into CHIPS this year. This will be about \$7,500-\$8,000 more for the town. Everyone received the 284 agreement. This is state law that we all sign this. The funds listed is CHIPS money and our road repair budget money. It includes the list of roads to be repaired.

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HIGHWAY DEPARTMENT by Supt. Hassenmayer - continued:

He requested permission to attend highway school in Ithaca (June 2-4). Registration is \$100 and hotel is approx. \$400. It gets paid out of the highway supt. budget. He would like to do some repairs on the barn at the park. They started in the fall. They took out the old barn cleaner and exhaust fans. Started to block holes. There were doorways not used. There are 2 small low-pitched roofs. He would like to re-do those with the highway guys. He spoke of the gable ends of the barn. In the fall he got estimates from 6/7 lumberyards. They range from \$3,600-\$4,300. He took the lowest 3 and got updated quotes. The lowest bid is Neversink Lumber \$4,088.73 that will fix the 2 leaky roofs and the gable ends of the barn. He spoke of the dog park. He gave board members a copy of a picture. He explained the red line is the fence for the park. This was discussed at the last park committee meeting. Everyone agreed. There are a few maple trees for shade. It's on the opposite side of the street at the park. He would like to bid out the fence. He received quotes last year which includes prevailing wage and private wage. He asked the attorneys which they would have to go with. Atty. B. Bavoso stated prevailing wage. The lowest was \$8,500 from Ketcham Fencing (prevailing wage). This would come out of the parks budget. Councilman Cambareri asked if this is already figured into the budget. Supt. Hassenmayer stated it is in the equipment part of the parks budget. They bought smaller items last year out of that line of the budget. He stated that the gradall has been inoperative for over a year. He talked about a mid-size excavator. He found a dealer near Binghamton; there are 9 used gradall's there which vary from \$45,000- \$140,000. A new one runs about \$380,000. He requested permission to take himself and an operator to see what they have; then present what they have to the board. They have a few for \$60,000; his equipment budget is \$75,000. Supt. Hassenmayer also spoke re: new hire. He had given everyone a list of applications and interviews. Had 32 applications from ad in paper. 12 were not qualified. 10 were disqualified for various reasons ie: too far away. Ten were qualified for interviews. 3 did not return phone calls. 7 were interviewed. 3 were called back for 2nd interview. One declined at that time. Last 2 were taken on road tests; we came up with a final – Robert Wickham.

VILLAGE OF OTISVILLE by Trustee Loeven:

Ms. Loeven stated she will be the liaison to the town board and the police department. She will also take over summer recreation. Registration starts tomorrow, Wednesday and Friday at the Village hall 5-8. She and Janet have been in touch with Lisa, the director, updating all the paperwork. The medical director was hired; she has more than 10 years' experience as a school nurse. She talked about Fridays being held at the park vs. the school. She would like to use the park again on Fridays this year. The 1st Friday will be July 11th. She would like to know before then if that is possible.

HIDDEN VALLEY: No report.

PLANNING BOARD: No report/ no meeting.

MOUNT HOPE FIRE COMPANY INC:

Chief Doty gave report to Town Clerk. He read report. July 6th will be the fireworks display; he spoke with Dean. Letter will be sent out.

OLD SCHOOL COMMITTEE:

Supervisor spoke of the committee list. There are 15 on the list. Initial was going to be 12. He recommends approval of the 15 member list. Names read by Town Clerk.

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RESOLUTION TO APPROVE OLD SCHOOL COMMITTEE LIST:

MOTION offered by Councilman Cambareri seconded by Councilman Ketcham to approve the committee list. (on file in town clerk's office) All in favor Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

Supervisor Volpe asked Councilwoman Sutherland if there was a date set yet for the 1st meeting. She stated Monday the 14th at 7pm at town hall.

RESOLUTION TO APPROVE LOCAL LAW #3-2014 POLICE DISCIPLINARY PROCEDURES LAW:

MOTION offered by Councilman Cambareri seconded by Councilman Ketcham to approve Local Law #3-2014 Police Disciplinary Procedures Law as presented (ATTACHED TO END OF THESE MINUTES). All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

MTA TAX RESOLUTION:

Supervisor Volpe asked town clerk to read resolution. Attorney D. Bavoso stated in his opinion the town doesn't need to adopt the resolution. He heard 2 weeks ago that an agreement has been reached for the NYS budget and will not have the manufacturing tax anyplace in the state including MTA service regions. Initially it was going to be 6% tax from all counties serviced by MTA – this has been done away with. No county is responsible.

LITTLE LEAGUE:

Supervisor Volpe spoke re: ballfield at the old school. Little league would like to use it for practices. An insurance certificate is needed. J. Doty spoke re: possible sink holes and that maybe Dean should check that out 1st.

RESOLUTION TO ALLOW LITTLE LEAGUE TO USE OLD SCHOOL BALL FIELD:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to allow the little league to use the ballfield at the old school for practices, upon final inspection by Highway Supt. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

GENERAL CODE:

Supervisor Volpe spoke re: town code book. There is one printed copy available of the approx. cost. This is something this town needs. Price came in around \$14,000.00. This will be able to be broken down to 3 budget cycles. It will take about 16-20 months from start to finish. Everything will be more easily searchable. He is requesting approval to move forward. It will require 20% down and each step of the way the town board will be included. The whole process would hopefully be completed by 2016. Councilman Cambareri added that it will help the public as far as the FOIL process goes as well. All minutes and laws will be on this site. It will save time all the way around.

RESOLUTION TO PURSUE A CONTRACT PROPOSAL FROM GENERAL CODE:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to pursue a contract proposal from General Code Publishers and begin the process for our town code book. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

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2013 ANNUAL FINANCIAL REPORT:

Supervisor Volpe stated that the 2013 Annual Financial Report was filed with the State Comptroller's office on March 23, 2014.

RESOLUTION TO HIRE ROBERT WICKHAM TO HIGHWAY DEPARTMENT:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to hire Robert Wickham to the Highway department. (Councilman Ketcham asked for his position and salary. Supt. Hassenmayer stated the starting salary is posted in the employee handbook. The position is the same as every other guy.) All in favor: Howell, Volpe, Cambareri. Opposed: Ketcham. Abstained: Sutherland. Carried.

RESOLUTION FOR HIGHWAY SUPERINTENDENT TO ATTEND HIGHWAY SCHOOL:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to authorize the Highway Supt. to attend Highway School In Ithaca NY: June 2-4. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

DOG PARK FENCE:

Supervisor Volpe spoke re: fencing for the dog park. Highway Supt. stated he has to get updated proposals but he wanted approval to move ahead with it. He will get them by next meeting.

RESOLUTION TO REPAIR BARN AT TOWN PARK:

MOTION offered by Councilman Cambareri seconded by Councilman Howell to repair the barn at the park for an estimated cost of \$4,088.00 in lumber from Neversink Lumber. (Funds to come out of buildings.) All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

POOL BUILDING:

Highway Supt. spoke re: pool building. Large pile of debri found in the pool building. It took 4 trips with the loader. The pool was filled with bed frames and old metal desks. A 40yd. dumpster was filled with just metal. It is almost empty. Some furniture is still in there. Supervisor Volpe stated he got the ok from the football league to toss whatever is in there of theirs. Supt. Hassenmayer stated there is part of a mini-golf set in there which is water damaged. He wants an ok to get rid of it. It is believed that it was donated to the town many years ago. Councilman Cambareri asked who the go-karts belong to. Highway Supt. stated the country fair. Supervisor Volpe thanked highway department for their work – it looks awesome. Chief Rickard stated he was speaking to Dean about the building and maybe some fill in the pool & an overhead door could be put in and the police could use it to store vehicles in the winter. Supervisor Volpe stated he has the engineers looking into it first.

RESOLUTION TO AUDIT THE CLAIMS:

MOTION offered by Councilman Howell seconded by Councilman Ketcham to approve the following bills:

GENERAL A :	#180-231	\$ 67,532.32
GENERAL B:	#25-32	\$ 5,132.01
HIGHWAY:	#44-54	\$ 36,053.83
SEWER:	#30-36	\$ 3,686.85
CAP RES HV:	#1	\$ 20,378.15.

All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

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RESOLUTION TO APPROVE THE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS – HIGHWAY 284 AGREEMENT:

MOTION offered by Councilman Howell seconded by Councilman Cambareri to approve the Agreement for the Expenditure of Highway Moneys (Highway 284 Agreement) as submitted – see attached. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

PUBLIC PARTICIPATION:

L. Fairweather (to Dean) asked when the next parks committee meeting is? Supt. Hassenmayer stated April 10, 2014 at 6pm.

M. Maurizzio spoke about the pool building and what the police want to do with it. She asked if the public would have input in this. Supervisor Volpe stated we are having the engineers check on it. Councilman Cambareri stated we need to be sure it's structurally sound. She asked Councilman Ketcham why there isn't a Hidden Valley report every month. Councilman Ketcham stated the plant is running fine. When things need to be reported, they're reported. She asked also about the money that was overpaid to the Mount Hope Fire Company. Supervisor Volpe stated that he received a letter last week from the MHF company about a meeting. They are hoping to have a meeting this week. D. Loeven thanked Chief Rickard and the officers for their support to the senior community. There is a senior in the community in need of support services. The Chief and his staff have taken pro-active approach. Appropriate agencies were contacted. Thank you.

J. Kowalczyk (to Councilwoman Sutherland and Councilman Ketcham) asked about the overpayment to MHF company. Councilwoman Sutherland stated it came out of their budget. It came out of the \$313,000. Mr. Kowalczyk stated it was \$312,000. He asked about the \$49,000 paid to the company. He asked about the extra \$11,000 paid. Councilwoman Sutherland stated it's her understanding it was money left over from 2011. She believes it had been an overpayment to the Village. The state comptroller's office told the town we did not need to – that money was not due to the village that it was to be used for fire protection. J. Kowalczyk asked shouldn't the money have been paid out of their budget instead of us paying it? Councilwoman Sutherland stated that workmen's compensation came out of the budget. J. Kowalczyk stated it is still owed to the town. Councilwoman Sutherland stated it is not owed to the town. After discussion - Councilwoman Sutherland stated she will look into this.

F. Ketcham stated that Mounthopeunited.org is going to hold an informational forum on the fire department; a community meeting. There will be a moderator. A date has not been set yet. More information will follow soon. It will be open to everyone.

L. Maurizzio spoke about the Mount Hope United school signs. Who is responsible for them? They should come down.

Ken Coppola asked about the \$11,000 over payment. He asked why it would be given to them for fire protection from 2011. They weren't protecting the town then. Councilwoman Sutherland stated it was her understanding that the comptroller told the town that the money did not belong to the village. It had been an overpayment. The money was the towns for fire protection. Mr. Coppola stated they didn't protect you in 2011. That should have been kept in your treasury. Not to the Mount Hope Fire Dept. Councilwoman Sutherland stated it has to be kept in the fire protection funds. Various discussions. Kathy Coppola asked if this was discussed at an open meeting. Councilwoman Sutherland did not recall if it was discussed at an open meeting it was months and months ago. Mrs. Coppola asked if they put in a bid for \$312,000 – why give them extra money?

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PUBLIC PARTICIPATION CONTINUED:

Ken Coppola asked were you under orders of the state auditor to give Mount Hope that \$11,000? Councilman Ketcham stated as far as he knew – no. Councilwoman Sutherland stated we were told not to give the money to Otisville because...it could only be slated for fire protection. Mr. Coppola stated you were told by the auditor to give it to the Mount Hope Fire Dept. Councilwoman Sutherland stated what we were told was to keep the money for fire protection. When Otisville was given the opportunity to get the....

J. Doty asked about the Bilinski barn and the engineer. Supt. Hassenmayer stated he will call them to see if it's necessary.

M. Maurizzio asked for Janet to answer the question. Councilwoman Sutherland stated when Otisville was given the opportunity to put in paperwork to get the fire protection contract - we didn't get anything. It was our feeling/understanding then, when Brian didn't hand anything in, we asked Mount Hope Howells, everybody hands in what they can do as far as fire protection goes. We don't get it from Otisville, we get it from Mount Hope, we get it from Howells. Otisville doesn't turn anything in – indicating to us that they don't want to do fire protection. They don't want to bid for the town's fire protection. So what else were we going to do? Can we leave the \$11,000 in the fund and have it carry over for this year. Yes that could have happened. If it was slated for fire protection, we chose to give the money to the Mount Hope fire company because it was there and it was available. J. Kowalczyk asked if it could have been used towards the workmen's comp.? Councilwoman Sutherland stated it was already budgeted.

Supervisor Volpe stated he can give clarity. Then we will close the meeting. This is from the comptroller's book. There was an over payment to Otisville. There was a short payment for Mount Hope. We short paid Otisville \$55,000. What happened to that \$55,000 is it got left in fire protection money. Then we charged the taxpayers \$312,924. Came in - in January. Then all of the money that we gave to Mount Hope last year totals \$362,849. So the account that had a surplus of \$55,000 now has an ending balance of \$5,511. That's the factual what happened. That's the actual numbers.

S. Karp had a proposal to record all the meetings and post them. They would be archived. His time would be no expense to the town. He talked to Prof. Litow. A small camera would be permanently mounted at the back of the room. Then all meetings would be recorded. He would donate his time to get this going. He asked if anyone is interested in this. The camera would cost the town approx. \$500. It would be posted on you-tube which is free. Supervisor Volpe stated they would think about it and will discuss at the next meeting.

M. Maurizzio asked for a copy of what Supervisor read from. Supervisor Volpe stated it will be on the comptroller's website.

Kathy Coppola asked Mr. Bavoso if it is legal for the board to approve something without it being brought up publicly in regard to...Atty. B. Bavoso stated that not having been part of the process I don't know what happened. As a general question, any expenses, generally speaking, expenses of the town have to be voted on by a majority of the board.

BOARD COMMENTS:

Councilwoman Sutherland spoke about the library. The town of Wawayanda has asked that we send someone to the Thrall library meeting on 4-9 at 7pm. to discuss the limitations being placed on card holders. If anyone can go – she is not available. Supervisor Volpe will write a letter and Janet will drop off.

Councilman Howell spoke re: fuel sales contract. At the last meeting he mentioned a contract with the Mount Hope fire company. Like we do with other agencies we sell fuel to. He worked with Dave and he came up with a contract that matches what we currently have for our other agencies but specific for the firemen.

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TOWN BOARD COMMENTS CONTINUED:

Councilman Howell stated this was out in the mailboxes today. Supervisor Volpe asked if he would like that brought up in the meeting this week. Councilman Ketcham asked what contract this is? Supervisor Volpe stated it is mirrored off the Village contract. Councilwoman Sutherland asked if something was done to the pumps this week. Supervisor Volpe stated yes. She asked what happened. Supervisor Volpe stated that new software was put in. Councilwoman Sutherland asked what was wrong with the pumps before. Supt. Hassenmayer stated the software was changed a month ago. Last week new pulsators were put on. 1-100 pulsators instead of 1-10. A week prior to that one of the meters was leaking fuel and had to be replaced. When it was pumping there was fuel seeping out of the meter. He immediately called the company. They said they couldn't fix the leak they had to replace the meter. Councilman Howell asked if the pulsator was measuring....Supt. Hassenmayer stated it is a more accurate measure now. It goes to the 100th instead of the 10th. Councilwoman Sutherland asked when the fuel leaks where does it leak to? Supt. Hassenmayer stated onto a concrete pad out there.

Councilwoman Sutherland stated she spoke to Paul and to Lou about a woman who runs an organization (her husband was killed in 9-11) and the organization is for training police officers and fire personnel, EMT's to work in an event where an emergency occurs of some kind; special training with autistic children, aspergers, special needs children. The foundation pays for the training. She asked Paul if any of our guys had the training. Lou was not aware of this. She would like to look into this – it would be of no cost to the town. Supervisor Volpe asked if it was local? She stated yes.

D. Loeven stated (to Councilwoman Sutherland) that she heard about the restrictions. She asked if they are restricting any library cards issued from Port Jervis or only those from the townships that are... Councilwoman Sutherland stated they are restricting all of them. Supervisor Volpe added that this is for the whole Ramapo system. They are not just singling out Mount Hope. It was a board decision on their board.

RESOLUTION FOR ADJOURNMENT:

MOTION offered by Councilman Ketcham, seconded by Councilman to adjourn the meeting at 8:45pm. All in favor: Howell, Ketcham, Volpe, Sutherland, Cambareri; carried.

The next meeting is scheduled for April 21, 2014 at 7:30pm.

Respectfully submitted,

Kathleen A. Myers, Town Clerk

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

Agreement between the Town Superintendent of the Town of Mount Hope, Orange County, New York, and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$ 285,732.00 shall be set aside to be expended for primary work and general repairs upon approximately 32,430 feet of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:
 - (a) On the road commencing at Evergreen Lane for the Entire Length, a distance of 375 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Fibermatt Width of traveled surface 13'
Thickness 3/8" Sub base Existing
 - (b) On the road commencing at Kelly Hill Rd. for the Entire Length, a distance of 1,075 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Fibermat Width of traveled surface 21'
Thickness 3/8" Sub base Existing
 - (c) On the road commencing at Otis Circle for the Entire Length, a distance of 1,400 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Fibermat Width of traveled surface 22'
Thickness 3/8" Sub base Existing
 - (d) On the road commencing at Charlotte Lane for the Entire Length, a distance of 2,950 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Fibermat Width of traveled surface 35'
Thickness 3/8" Sub base Existing
 - (e) On the road commencing at Dulcie Court for the Entire Length, a distance of 475 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Fibermat Width of traveled surface 35'
Thickness 3/8" Sub base Existing
 - (f) On the road commencing at Robbins Rd. for the Entire Length, a distance of 8,000 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Chip Seal Width of traveled surface 22'
Thickness 1/4" Sub base Existing
 - (g) On the road commencing at Maple Rd. for the Entire Length, a distance of 3,725 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Chip Seal Width of traveled surface 22'
Thickness 1/4" Sub base Existing
 - (h) On the road commencing at Hawk Hill Circle for the Entire Length, a distance of 1,230 feet, there shall be expended not over the sum of Budgeted Amount Above.
Type Chip Seal Width of traveled surface 24'
Thickness 1/4" Sub base Existing

- (i) On the road commencing at Shoddy Hollow Rd. for the Partial Length – between Otis Rd. and Witlock Rd., a distance of 5,900 feet, there shall be expended not over the sum of Budgeted Amount Above.
 Type Repaved Width of traveled surface 23'
 Thickness _____ Sub base Existing
- (j) On the road commencing at Ridge Rd. for the Entire Length, a distance of 7,300 there shall be expended not over the sum of Budgeted Amount Above.
 Type Repaved Width of traveled surface 22'
 Thickness _____ Sub base Existing

Executed in duplicate this 7th day of April 2014.

Supervisor Chad Stase

Board Member [Signature]

Board Member [Signature]

Board Member Dominic Combari

Board Member [Signature]

Town Superintendent [Signature]

LOCAL LAW #3 OF 2014
A LOCAL LAW ESTABLISHING DISCIPLINARY HEARING PROCEDURES
FOR THE POLICE DEPARTMENT OF THE TOWN OF MOUNT HOPE

1. Purpose. The purpose of this local law is to establish a procedure for disciplinary hearings within the Police Department of the Town of Mount Hope pursuant to §154 and §155 of the Town Law of the State of New York. This procedure will be established for purposes of allowing the Town Board to make all final determination concerning the investigation of complaints and imposition of disciplinary penalties with respect to member of the Police Department of the Town of Mount Hope.
2. Legislation.

Section 1. Applicability

This local law and all provisions contained herein shall apply to the following employees within the Police Department of the Town of Mount Hope.

- (A) Employees holding a position by permanent appointment in the competitive class as defined by the Civil Service Law of the State of New York,
- (B) Employees holding a position by permanent appointment in the classified service of the State of New York as defined by the Civil Service Law of the State of new York,
- (C) Employees holding a position in the non-competitive class other than a position designated in the rules of the Civil Service Commission as confidential or requiring the performance of functions influencing policy who has completed at least five (5) year of continuous service in the non-competitive class in a position not so designated in the rules as confidential or requiring the performance of functions influencing policy,
- (D) Employees described and defined in §75 of the Civil Service Law of the State of New York.

Section 2. Investigatory Procedure.

The investigation of complaints concerning allegations of misconduct against any member of the Police Department of the Town of Mount Hope shall be investigated pursuant to the procedures currently in effect and as stated in the adopted rules and regulations of the Police Department of the Town of Mount Hope.

Section 3. Substantiated Complaints.

The Chief of Police, the Deputy Chief of Police, or the Chief's designee shall, upon a determination that a complaint against a member of the Police Department of the Town of Mount Hope is substantiated, prepare and serve a notice of discipline in accordance with the current rules and regulations of the Police Department of the Town of Mount Hope.

Section 4. Disciplinary Interview.

- A. A meeting to with member subject to disciplinary review shall be held within fourteen (14) days of service of a notice served upon a member of the Police Department of the Town of Mount Hope, the Chief of Police, the Deputy Chief of Police, or the Chief's designee. The notice shall contain a recital of the charges alleged. The purpose of the meeting shall be to discuss the alleged charges and potential resolution of the charges. Following the interview, the Chief shall determine if imposition of a disciplinary penalty is required. If a disciplinary penalty is required, the Chief shall issue and serve a written Chief's decision upon the member subject to disciplinary review which shall inform the member of the Chief's determination. The Chief shall provide a copy of the Chief's decision to the Town Board and shall refer the notice of discipline to the Town Board for a determination of the charges.
- B. Pending the hearing and determination of charges, the officer against whom such charges have been issued may be suspended without pay for a period not exceeding thirty (30) days. If such officer or employee is found to not require discipline, he or she shall be restored to the previous position with full pay for the period of suspension less the amount of any unemployment insurance benefits he may have received during such period. If such officer or employee is found to require disciplinary action, a copy of the charges, a transcript of the hearing, and the determination shall be filed in the office of the Police Department of the Town of Mount Hope, and a copy thereof shall be filed with the Civil Service Commission having jurisdiction over such position. A copy of the transcript of the hearing shall, upon request of the officer or employee affected, be furnished to him without charge.

Section 5. Hearing; Determination of Substantiated Complaints.

The member served with a Chief's decision that imposes a disciplinary penalty may request a hearing on the charges by having a written demand for a hearing served upon the Supervisor of the Town of Mount Hope within fourteen (14) days of receiving the Chief's decision. The Supervisor of the Town of Mount Hope, acting in the capacity of Police Commissioner, shall do one of the following upon receipt of the written demand for hearing:

- A.

Designate a member of the Town Board to act as a hearing officer and to sit as a trier of fact to make a determination of the charges filed against the member of the Police Department of the Town of Mount Hope.

B.

Select a hearing officer to sit as a trier of fact to determine the charges filed against the member of the Police Department of the Town of Mount Hope.

Section 6. Recommended Decision and Final Determination.

The hearing officer selected by the Supervisor shall conduct a hearing and shall issue a decision containing recommended findings of fact and a recommended disciplinary penalty, if applicable, to the Town Board. The decision shall be reviewed by the Town Board and the Town Board may then accept or reject the recommended findings of fact and/or the recommended disciplinary penalty, in whole or in part, if applicable. The Town Board shall make a final determination of the charges alleged in the notice of discipline and, where applicable, shall impose any penalty consistent with the provisions of the Town Law of the State of New York, or any other penalty agreed to between the Town Board and the respondent member of the Police Department of the Town of Mount Hope.

Section 7. Appeal.

In accordance with §155 of the Town Law of the State of New York, the determination of the Town Board shall be subject to review by the Supreme Court in the judicial district in which the Town is located in the manner provided for by Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days from the date of the Town Board's determination.

Section 8. Due Process; Representation.

Any member that is served with a notice of discipline may have a representative or legal counsel represent him or her in connection with any proceedings provided for by this Chapter. The hearing of the charges alleged in the notice of discipline shall be conducted in accordance with the provisions of §155 of the Town Law of the State of New York, and such hearing shall be transcribed by a stenographer. A copy of the transcript of the proceedings shall be provided to the member free of charge.

Section 9. Implementation.

The Chief of Police is hereby directed to take all necessary steps to implement the provisions of the Chapter, and to provide notice of the same to members of the Town of Police Department of the Town of Mount Hope.