

## **STONY POINT SPECIAL TOWN BOARD MEETING – DECEMBER 27, 2011**

The Town Board of the Town of Stony Point convened in Special Session on Tuesday, December 27, 2011 at 8:00 am at the Stony Point Community Center (Rho Building), 5 Clubhouse Lane, Stony Point, NY. Supervisor William Sherwood called the meeting to order at 8:03 am. Town Clerk, Joan Skinner, called the following roll:

PRESENT:	Mr. Geoffrey Finn	Councilman
	Mr. Louis Vicari	Councilman
	Mr. James White	Councilman
	Ms. Luanne Konopko	Councilwoman
	Mr. William E. Sherwood	Supervisor

ABSENT: None

Supervisor Sherwood indicated that this meeting was called to discuss a personnel matter.

### **NOTICE OF CLAIM**

Councilman White stated that some board members received a Notice of Claim over the Holiday Weekend and questioned who was responsible for defending such matters.

### **ACTION**

A motion was made by Councilman White, seconded by Councilwoman Konopko and **unanimously carried** by a voice vote of all board members present to refer the Notice of Claim in question to our insurance agent for presentation to our proper carrier.

Supervisor Sherwood indicated that all matters such as this are normally handled this way.

### **INSURANCE PREMIUMS**

Councilman White questioned the rise in insurance costs for 2012, especially vehicle insurance, and also questioned the number of police vehicles being insured. He requested Mr. Borelli from the Ducey Agency be present to address this matter.

Frank Borelli from the Ducey Agency indicated that each year they review a chart of vehicles, buildings, equipment, etc. that is to be insured. He indicated that the Town Clerk's office advised his agency of any vehicles to be removed or added to the policy.

Joan Skinner, Town Clerk, advised that nothing is added or deleted unless the office is notified by the department involved.

Mr. Borelli felt it would be a good idea to have each department head review the complete schedule of assets to check for values and content, since the last asset inventory was conducted in 2006. He indicated that this would take some time to do and would not be reflected in the 2012 premiums.

### **ACTION**

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to authorize Supervisor Sherwood to sign the insurance contract for 2012, as presented by Ducey Agency.

### **EXECUTIVE SESSION**

A motion was made by Councilman White, seconded by Councilman Finn and **unanimously carried** by a voice vote of all board members present to adjourn into executive session to discuss a personnel matter at 8:12 am.

**RECONVENE**

At 9:05 am a motion was made by Councilman Finn, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to reconvene the December 27, 2011 Special Stony Point Town Board meeting.

**DISCIPLINARY ACTION-JAMES A. BRUNTFIELD**

A motion was made by Supervisor Sherwood and seconded by Councilman White as follows:

**RESOLUTION APPROVING DISCIPLINARY ACTION TO BE TAKEN AGAINST TOWN OF STONY POINT EMPLOYEE JAMES A. BRUNTFIELD**

WHEREAS, the Town Board of the Town of Stony Point (the "Town") has received information indicating that **JAMES A. BRUNTFIELD** engaged in misconduct involving trespass on Town property, unauthorized use and/or operation of Town-owned vehicles, and damage to Town property, and

WHEREAS, on December 13, 2011 the Town Board of Stony Point preferred the following just cause charges against **JAMES A. BRUNTFIELD**:

**CHARGES**

**CHARGE I – MISCONDUCT IN THE USE AND/OR OPERATION OF A TOWN MOTOR VEHICLE AND EQUIPMENT DURING THE EVENING OF OCTOBER 30, 2011 AND THE EARLY MORNING HOURS OF OCTOBER 31, 2011.**

Specification 1: On the above date, without permission or authorization, you used and operated a Town-owned Vehicle for personal use wholly unrelated to official Town business, to wit, you used and/or operated a 1993 Ford F-150, blue pick-up truck regularly used by the Town Maintenance Department.

Specification 2: On the above date, without permission or authorization, you used and/or operated a Town-owned Vehicle for personal use wholly unrelated to official Town business, to wit, you used and operated a 2002 John Deere 4160 tractor with aeration attachment regularly used for golf course maintenance by the Town.

**CHARGE II– WILLFUL OR DELIBERATE ABUSE, DESTRUCTION, DEFACEMENT, AND REMOVAL, WITHOUT PERMISSION, OF TOWN PROPERTY DURING THE EVENING OF OCTOBER 30, 2011 AND THE EARLY MORNING HOURS OF OCTOBER 31, 2011 CAUSING DAMAGE TO TOWN VEHICLES AND PROPERTY.**

Specification 1: On the above date, without permission or authorization, you entered in and upon the Town’s Veteran’s Park facility, which was closed, in a private vehicle through a secured gate and operated said private vehicle in and upon the Town’s Veteran’s Park facility, driving said vehicle outside of designated roadways, and upon lawn areas and town fields, including portions of the Town-owned Patriot Hills Golf Course.

Specification 2: On the above date, without permission or authorization, you entered in and upon the Town’s Veteran’s Park facility, which was closed, while operating a Town-owned 1993 Ford F-150 pick-up truck and operated and drove said vehicle outside of designated roadways, and caused said vehicle to become stuck, caused damage to said vehicle consisting of damage to the vehicle tie-rods, and requiring said vehicle to be towed from the location where it became stuck.

Specification 3: On the above date, without permission or authorization, you entered in and upon the Town’s Veteran’s Park facility, which was closed, while operating a Town-owned 2002 John

Deere 4160 tractor with aerator attachment and operated and drove said vehicle outside of designated roadways, and caused said vehicle to become stuck and requiring said vehicle to be towed from the location where it became stuck.

**CHARGE III – UNAUTHORIZED ENTERING AND REMAINING IN AND UPON TOWN PROPERTY WITHOUT PERMISSION OR AUTHORIZATION AND WITHOUT ANY REASONABLE BELIEF THAT SUCH ENTERING AND REMAINING WAS AUTHORIZED.**

Specification 1: On the above date, without permission or authorization, you entered a closed Town's Veteran's Park property via a secured gate and remained in and upon the Town's Veteran's Park property during a time when such park was closed to the general public. You entered and remained on such Town property without permission or authorization to do so, nor did you have reasonable grounds to believe that you had any such authorization.

Specification 2: On the above date, without permission or authorization, you entered a closed Town garage at 1 Turkey Hollow Road and remained in and upon said property during a time when such facility was closed and secured. You entered and remained on such Town property without permission or authorization to do so, nor did you have reasonable grounds to believe that you had any such authorization. During such entering and remaining, you removed a Town-owned vehicle, a Ford F-150 pick-up truck bearing NY registration plate: L68503 from said facility for personal use.

Specification 3: On the above date, without permission or authorization, you entered a closed Town garage at 1 Turkey Hollow Road and remained in and upon said property during a time when such facility was closed and secured. You entered and remained on such Town property without permission or authorization to do so, nor did you have reasonable grounds to believe that you had any such authorization. During such entering and remaining, you removed a Town-owned vehicle, 2002 John Deere 4160 tractor with aerator attachment, from said facility for personal use.

WHEREAS, said Town Board of the Town of Stony Point thereafter informed JAMES A. BRUNTFIELD of the above charges in writing by service upon him, and provided JAMES A. BRUNTFIELD with a fair opportunity to respond to the above charges on or before December 23, 2011 with any defenses and/or mitigating factors with respect to the charges against him and informed JAMES A. BRUNTFIELD, in writing, that such opportunity to respond would be his final opportunity to submit a response, any proof and any mitigating factors in his defense to the charges prior to imposition of a penalty, if any, based upon a just cause determination of the Town Board and

WHEREAS, on December 22, 2011, the following response to the charges, signed by JAMES A. BRUNTFIELD, was delivered, via a Union representative of JAMES A. BRUNTFIELD, to the Clerk of the Town of Stony Point and said response did not consist of, nor was the response accompanied by, any proof, defense or other substantive response to the charges alleged, but stated:

***“I, James Bruntfield, plead not guilty to all specifications and charges brought against me, and reserve my right to an arbitration hearing with legal representation.”***

WHEREAS, the Town Board of the Town of Stony Point, has reviewed the disciplinary charges against JAMES A. BRUNTFIELD, and

reviewed various documents from the Stony Point Police Department, including, an investigative report of Officer J.J. Garcia of the Stony Point Police Department, a New York State Incident Report (11-6777) from the Stony Point Police Department, a New York State Supplemental Report (11-6777) from the Stony Point Police Department, a New York State Arrest Report for JAMES A. BRUNTFIELD from the Stony Point Police Department, a deposition of facts prepared by Officer George Zayas of the Stony Point Police Department, dated November 3, 2011, a sworn Felony Complaint signed by Officer J.J. Garcia on November 17, 2011, charging JAMES A. BRUNTFIELD with Burglary, third degree of a Town-owned golf maintenance garage at 1 Turkey Hollow Road; a Misdemeanor Information sworn to and signed by J.J. Garcia on the 17<sup>th</sup> Day of November, 2011 charging JAMES A. BRUNTFIELD with Unauthorized Use of a Motor Vehicle in the third degree, specifically a John Deere tractor, model LV4610Powned by the Town; a Misdemeanor Information sworn to and signed by J.J. Garcia on the 17<sup>th</sup> Day of November, 2011 charging JAMES A. BRUNTFIELD with Unauthorized Use of a Motor Vehicle in the third degree, specifically a 1993 Ford F-150 pick-up truck, John Deere tractor, model LV4610Powned by the Town.; a Misdemeanor Information sworn to and signed by J.J. Garcia on the 17<sup>th</sup> Day of November, 2011 charging JAMES A. BRUNTFIELD with Criminal Trespass, third degree on Town property, specifically Town-owned Veteran's Memorial Park; a Misdemeanor Information sworn to and signed by J.J. Garcia on the 17<sup>th</sup> Day of November, 2011 charging JAMES A. BRUNTFIELD with Criminal Trespass, third degree on Town property, specifically Town-owned Patriot Hills Maintenance lot; a Notice of Claim, dated December 23, 2011, signed by JAMES A. BRUNTFIELD and CHARLES F. BRUNTFIELD, wherein JAMES A. BRUNTFIELD admits that on October 30, 2011 he utilized Town-owned truck and tractor to attempt to extricate his personal vehicle and that he contacted CHARLES F. BRUNTFIELD to assist in attempting to extricate "all of the vehicles" including the Town-owned vehicles; and

WHEREAS, the Town Board has reviewed information concerning the employment history of JAMES A. BRUNTFIELD; and

WHEREAS, the Town Board has reviewed and considered the written response of JAMES A. BRUNTFIELD, dated December 22, 2011; and

WHEREAS, the Town Board is the body charged with the responsibility of determining whether just cause exists, based on the above charges and specifications, and to impose an appropriate disciplinary penalty, if any, against JAMES A. BRUNTFIELD; and

WHEREAS, due consideration has been given by the Town Board of all of the above described information; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stony Point in special session duly convened as follows:

1. It is hereby determined that JAMES A. BRUNTFIELD is hereby found GUILTY of the above charges and as and for his penalty and punishment he is hereby immediately discharged from service of the Town of Stony Point effective immediately.
2. The Town Clerk be and hereby is directed to communicate this determination to JAMES A. BRUNTFIELD by transmitting to him at **3 Mountainside Lane, Stony Point, New York**, a certified copy of this Resolution by personal service.
3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Supervisor Sherwood	[ x ]	[ ]	[ ]	[ ]
Councilman Finn	[ x ]	[ ]	[ ]	[ ]
Councilman White	[ x ]	[ ]	[ ]	[ ]
Councilman Vicari	[ x ]	[ ]	[ ]	[ ]
Councilman Konopko	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

**DISCIPLINARY ACTION – CHARLES F. BRUNTFIELD**

**RESOLUTION APPROVING DISCIPLINARY ACTION TO BE TAKEN AGAINST TOWN OF STONY POINT EMPLOYEE CHARLES F. BRUNTFIELD**

WHEREAS, the Town Board of the Town of Stony Point (the “Town”) has received information indicating that **CHARLES F. BRUNTFIELD** engaged in misconduct involving trespass on Town property, unauthorized use and/or operation or participation in the unauthorized use and/or operation of Town-owned vehicles, and damage to Town property, and

WHEREAS, on December 13, 2011 the Town Board of Stony Point preferred the following just cause charges against **CHARLES F. BRUNTFIELD**:

**CHARGES**

**CHARGE I – MISCONDUCT IN THE USE AND OPERATION OF A TOWN MOTOR VEHICLE AND EQUIPMENT DURING THE EVENING OF OCTOBER 30, 2011 AND THE EARLY MORNING HOURS OF OCTOBER 31, 2011.**

Specification 1: On the above date, without permission or authorization, you used and/or operated a Town-owned Vehicle for personal use wholly unrelated to official Town business, to wit, you used and/or operated a 1993 Ford F-150, blue pick-up truck regularly used by the Town Maintenance Department and participated in the unauthorized use of said vehicle for unofficial business unrelated to Town business.

Specification 2: On the above date, without permission or authorization, you used and/or operated a Town-owned Vehicle for personal use wholly unrelated to official Town business, to wit, you used and/or operated a 2002 John Deere 4160 tractor with aeration attachment regularly used for golf course maintenance by the Town for unofficial purposes unrelated to Town business.

**CHARGE II– WILLFUL OR DELIBERATE ABUSE, DESTRUCTION, DEFACEMENT, AND REMOVAL, WITHOUT PERMISSION, OF TOWN PROPERTY DURING THE EVENING OF OCTOBER 30, 2011 AND THE EARLY MORNING HOURS OF OCTOBER 31, 2011 CAUSING DAMAGE TO TOWN VEHICLES AND PROPERTY.**

Specification 1: On the above date, without permission or authorization, you entered in and upon the Town’s Veteran’s Park facility, which was closed, in a private vehicle through a secured gate and remained in said private vehicle while in and upon the Town’s Veteran’s Park facility, and remain in said private vehicle while said vehicle operated outside of designated roadways, and upon lawn

areas and town fields, including portions of the Town-owned Patriot Hills Golf Course, causing disturbance and damage to Town property.

Specification 2: On the above date, without permission or authorization, you entered in and upon and remained in the Town's Veteran's Park facility, which was closed, while operating and/or otherwise using or participating in the use of a Town-owned 1993 Ford F-150 pick-up truck and caused or participated in causing said vehicle to become stuck, caused damage to said vehicle consisting of damage to the vehicle tie-rods, and requiring said vehicle to be towed from the location where it became stuck.

Specification 3: On the above date, without permission or authorization, you entered in and upon the Town's Veteran's Park facility, which was closed, while operating and/or otherwise using a Town-owned 2002 John Deere 4160 tractor with aerator attachment and caused and/or participated in causing said vehicle to become stuck and requiring said vehicle to be towed from the location where it became stuck.

**CHARGE III – UNAUTHORIZED ENTERING AND REMAINING IN AND UPON TOWN PROPERTY WITHOUT PERMISSION OR AUTHORIZATION AND WITHOUT ANY REASONABLE BELIEF THAT SUCH ENTERING AND REMAINING WAS AUTHORIZED.**

Specification 1: On the above date, without permission or authorization, you entered a closed Town's Veteran's Park property via a secured gate and remained in and upon the Town's Veteran's Park property during a time when such park was closed to the general public. You entered and remained on such Town property without permission or authorization to do so, nor did you have reasonable grounds to believe that you had any such authorization.

WHEREAS, said Town Board of the Town of Stony Point thereafter informed CHARLES F. BRUNTFIELD of the above charges in writing by service upon him, and provided CHARLES F. BRUNTFIELD with a fair opportunity to respond to the above charges on or before December 23, 2011 with any defenses and/or mitigating factors with respect to the charges against him and informed CHARLES F. BRUNTFIELD, in writing, that such opportunity to respond would be his final opportunity to submit a response, any proof and any mitigating factors in his defense to the charges prior to imposition of a penalty, if any, based upon a just cause determination of the Town Board and

WHEREAS, on December 22, 2011, the following written response to the charges, signed by CHARLES F. BRUNTFIELD, was delivered, via a Union representative of CHARLES F. BRUNTFIELD, to the Clerk of the Town of Stony Point and said response did not consist of, nor was the response accompanied by, any proof, defense or other substantive response to the charges alleged, but stated:

***“I, Charles Bruntfield, plead not guilty to all specifications and charges brought against me, and reserve my right to an arbitration hearing with legal representation.”***

and;

WHEREAS, the Town Board of the Town of Stony Point, has reviewed the disciplinary charges against CHARLES F. BRUNTFIELD, and reviewed various documents from the Stony Point Police Department, including, an investigative report of Officer J.J. Garcia of the Stony Point Police Department, a New York State Incident Report (11-6777) from the Stony Point Police Department, a New York State Supplemental Report (11-6777) from the Stony

Point Police Department, a deposition of facts prepared by Officer George Zayas of the Stony Point Police Department, dated November 3, 2011; and other documents consisting of criminal charges against JAMES A. BRUNTFIELD, who was, based on the evidence, in the company of CHARLES F. BRUNTFIELD on the date and time of the relevant incidents and acts; a Notice of Claim, dated December 23, 2011, signed by CHARLES F. BRUNTFIELD and JAMES A. BRUNTFIELD and sworn to by CHARLES F. BRUNTFIELD, wherein CHARLES F. BRUNTFIELD admits that on October 30, 2011, he was contacted by JAMES A. BRUNTFIELD to assist JAMES A. BRUNTFIELD in extricating JAMES A. BRUNTFIELD'S personal vehicle and a town-owned truck and tractor which had become stuck in snow; and

WHEREAS, the Town Board has reviewed information concerning the employment history of CHARLES F. BRUNTFIELD; and

WHEREAS, the Town Board has reviewed and considered the written response of CHARLES F. BRUNTFIELD, dated December 22, 2011; and

WHEREAS, the Town Board is the body charged with the responsibility of determining whether just cause exists, based on the above charges and specifications, and to impose an appropriate disciplinary penalty, if any, against CHARLES F. BRUNTFIELD; and

WHEREAS, due consideration has been given by the Town Board of all of the above described information; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stony Point in special session duly convened as follows:

1. It is hereby determined that CHARLES F. BRUNTFIELD is hereby found GUILTY of the above charges and as and for his penalty and punishment he is hereby immediately discharged from service of the Town of Stony Point effective immediately.
2. The Town Clerk be and hereby is directed to communicate this determination to CHARLES F. BRUNTFIELD by transmitting to him at **11 Mountainside Lane, Stony Point, New York**, a certified copy of this Resolution by personal service.
3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yea	Nay	Abstain	Absent
Supervisor Sherwood	[ x ]	[ ]	[ ]	[ ]
Councilman Finn	[ x ]	[ ]	[ ]	[ ]
Councilman White	[ x ]	[ ]	[ ]	[ ]
Councilman Vicari	[ x ]	[ ]	[ ]	[ ]
Councilman Konopko	[ x ]	[ ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

Councilman Finn indicated that the two employees had until December 23<sup>rd</sup> to present their comments as to what had occurred, but nothing had been received except for a statement indicating "they weren't guilty". The reports reviewed by the board indicated they were on town property and without evidence that they weren't, the board had not choice than to pass the resolutions.

Councilman White indicated that legal paperwork recently received by the board, signed by both employees, had a major bearing on his vote as to Charles' participation in the night's events.

**ACTION**

At 9:10 am a motion was made by Councilwoman Konopko, seconded by Councilman White and **unanimously carried** by a voice vote of all board members present to adjourn the December 27, 2011 Special Meeting of the Stony Point Town Board.

Respectfully submitted,

Joan Skinner  
Town Clerk