

Minutes of an Adjourned Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Thursday, July 21, 1977 at 2:00 P.M.

Present:

Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney
Alex E. Horton, Supt. of Highways

Supervisor Smith called the meeting to order at 2:00 P.M.

CLAIMS

Manuel Siegel, as Administrator of the Estate of Cynthia Siegel, Deceased vs. Town of Riverhead and County of Suffolk. Filed.

Supplemental Summons: Thomas M. Corcoran vs. Town of Riverhead, Steven Grodski, et all. Filed.
(Above referred to Town Attorney and Insurance Broker)

COMMUNICATIONS

Town of Southampton re proposed changes to Zoning Ordinance No. 26 - Public Hearing to be held August 16, 1977 at 7:30 P.M. Filed.

Town of Southampton re adoption of amendment to Zoning Ordinance No. 26. Filed.

Supervisor Smith: "This is a continuation of the meeting of the Town Board of July 19, 1977.

The first item on the agenda is the grievance of James Baldelli with reference to the actions of the Highway Superintendent, Alex E. Horton."

Supervisor Smith read the first letter of grievance of Mr. Baldelli, dated June 24, 1977:

Dear Mr. Horton,

This is to advise you that pursuant to Article 5 of the contract between the Town of Riverhead and the Riverhead Unit of Civil Service Employees Association, I am instituting a grievance as of this date. I feel that my contract

rights were violated as there is an opening in the Highway Department due to the retirement of August Stakey, and I feel I should be returned to the Highway Department as laborer.

Very truly yours,

James Baldelli

Supervisor Smith then read the reply of Alex Horton to Mr. Baldelli dated June 28, 1977:

Dear Mr. Baldelli,

In reference to your letter of June 24, 1977, the one who makes decisions as to whether or not there is an opening in the Highway Department is the Superintendent of Highways, who, at the present time is Alex E. Horton and not Mr. James Baldelli.

Furthermore, three weeks ago, you told me that you were not capable of handling a lawn mower. This is the job Mr. Stakey was doing.

Supervisor Smith then read the last item of correspondence which was addressed to him, dated July 5, 1977:

Dear Mr. Smith,

I hereby request a review of my grievance with the Town's grievance Committee as Mr. Horton's reply to me is unsatisfactory. I feel that his reasons for not taking me back as laborer on the Highway Department are not valid ones. I would appreciate it if you would advise me of date, and time of the hearing, at your earliest convenience.

Very truly yours,
James Baldelli

Supervisor Smith then stated: "Mr. Horton is present, represented by the Town Attorney, Mr. Peter S. Danowski, Jr.

Mr. James Baldelli is present, represented by Mr. Irwin Scharfeld.

Also present is Mrs. Egert in her capacity as President of the Riverhead Unit of CSEA.

Mr. Scharfeld, while I fumble through the contract to find the particular paragraph with reference to grievances, may we consider and deem for the record that all procedural time limits, etc., leading to this hearing are either deemed, complied with, or waived."

Mr. Irwin Scharfeld: "Yes, that is correct."

Supervisor Smith: "Would either you or Mr. Danowski choose to take the lead in this one."

Peter S. Danowksi, Jr., Town Attorney: "I have conferenced this matter with Mr. Horton, and I have spoken as well to Mr. Scharfeld and I think it can be agreed be-

tween the parties namely - Mr. Scharfeld representing the CSEA and Mr. Horton that certain line positions be abolished. Namely those are line positions which currently list certain people as laborers.

I would make reference to a letter sent by George Meyer from the Department of Civil Service addressed to Allen M. Smith, as Supervisor, dated December 17, 1976. I will mark this as an exhibit. It, in fact, indicates a date of appointment seniority list pertaining to the laborers then in the Riverhead Highway Department.

It is and will be agreed upon by Mr. Horton is a stipulation with Mr. Scharfeld that three people who are currently laborers be permitted to apply for and be accepted as A.E.O.'s. Those people are Anton Condzella, whose appointment according to this letter is November 16, 1953. John S. Kess, who according to this letter was appointed on August 22, 1966, and Charles E. Downs, whose date of appointment was December 2, 1969. It is the position of Mr. Horton that these people should become A.E.O.'s and, in fact, should get their necessary driving licenses so they might be able to drive trucks in their employ in the Riverhead Highway Department. Upon these people becoming A.E.O.'s, it's Mr. Horton's position that the laborers should be abolished.

Now, apparently at this point, there is a vacancy in the laborer's position created by the retirement of Mr. Stakey. Mr. Horton's position on that is that the laborer position - that is currently vacant, should also be abolished. This offer of a stipulation is obviously conditioned on Mr. Scharfeld agreeing to such and acknowledgement also from Mrs. Egert.

I would say one further factor, that Mr. Horton has been made aware of the fact that there is a seniority clause in the contract, and, in fact, he is aware that if sometime in the future a laborer has to be initially hired, that he will have to hire Mr. Baldelli, if Mr. Baldelli is fit to take the job of laborer.

Mr. Irwin Scharfeld: "Let me state for the record that we are hired to represent James Baldelli and his grievance dated July 5th and we feel under the terms of the contract that if there is a valid opening for a laborer in Riverhead Town Highway Department, Mr. Baldelli should fill that vacancy.

In conference with Mr. Danowski, it became apparent that the Superintendent of Highways was contemplating making various moves and would so stipulate to those moves which would result in a total of four positions of laborer being vacant in the Town of Riverhead Highway Department. However, instead of filling those vacant positions - one with Mr. Baldelli and the other there with more than likely new hirers - it's the Superintendent of Highways positions, I understand, to abolish the four line item positions as laborers. He is perfectly within his

Mr. Irwin Scharfeld - continued
rights and it would not be in violation of the contract to do this. Unfortunately, it would not resolve the problem with Mr. Baldelli as he would still not be re-employed in the Highway Department as laborer.

However, if this is what the stipulation is, that Mr. Danowski has just stated, we could see no reason why we would not enter into such, as long as the other parties of the stipulation, that is if at any time within the prescribed period under Civil Service Law he decides to hire a new laborer, he will have to contact Mr. Baldelli and offer the job to him prior to hiring anyone new who is not currently an employee of the Town of Riverhead."

Supervisor Smith: "One question, Mr. Danowski, that probably will have to be answered by Mr. Horton. We understand that there are A.E.O. vacancies created by the deaths of Mr. Blasko and Mr. Sammis that have not been filled. Where does the third one come from."

Peter S. Danowski, Jr., Town Attorney: "I think that question will have to be addressed to Mrs. Egert because I think she has knowledge of the vacancies that may be open."

Supervisor Smith: "Mr. Fink we would then - apparently in the current statue of Mr. Fink's matter, under the terms of the Civil Service Law, and then by resolution automatically renew the same, therefore, a period of one-year leave of absence, but whom ever took that particular position, would have to understand that under Civil Service Law, Mr. Fink upon recovery to health could bump him back to laborer."

Peter S. Danowski, Jr., Town Attorney: "That would be obviously on the seniority list - Mr. Downs."

Supervisor Smith: "Yes, and Mr. Downs will then bump whoever the laborers who were below him.

Mrs. Egert if you might confirm what I'm about to say. I find records for Mr. Sammis as a Highway A.E.O. that run through the earliest part of 1974 - is that about your recollection when this particular gentleman died?

We have a file for Bruno Blasko that shows an A.E.O., and this card is in the year 1975?"

Rita Egert: "That is right."

Supervisor Smith: "Those positions have never been filled. Is that correct, Mr. Horton?"

Alex E. Horton, Supt. of Highways: "That is correct."

Supervisor Smith: "I would believe that the first item of business would be Mr. Scharfeld, that pursuant to Section 71 of the Civil Service Law - a motion would be in order to grant to Edward Fink, an A.E.O. in the Highway Department, a one-year leave of absence pursuant to that section."

Mr. Irwin Scharfeld: "We'd be in agreement with that motion."

RESOLUTION

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That Edward Fink, A.E.O., in the Highway Department be and is hereby granted a one-year leave of absence pursuant to Section 71 of the Civil Service Law, effective June 31, 1977, and

FURTHER RESOLVED, That should Edward Fink return to his position, it be understood that whom ever filled his position during his leave, will automatically be returned to laborer.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Mr. Horton is it now your pleasure to fill the vacancies in the A.E.O. Classification for those positions formerly held by Mr. Blasko, Mr. Sammis and Mr. Fink with Mr. Anton Condzella, John Kess, and Charles Downs."

Alex E. Horton, Supt. of Highways: "The only one out of the three is Anton Condzella. He did not ask to be an A.E.O. - he's been a laborer all the time . . ."

Supervisor Smith: "If Mr. Condzella chooses to pass, he will remain a laborer, is that correct? Is Mr. Condzella some place you can ask him right now?"

Alex E. Horton, Supt. of Highways: "No."

RESOLUTIONS

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Town Board take from the table the resolution entitled "Promotes Laborer to Automotive Equipment Operator Highway Department", which resolution was laid on the table at the July 19, 1977 Meeting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That Anton Condzella, John Kess, and Charles Downs, be and are hereby appointed Automotive Equipment Operators, provisionally for a period of eight (8) weeks automatically renewable to a full probationary period of six (6) months, the positions being created by the deaths of Bruno Blasko and Albertis Sammis and the leave of absence granted to Edward Fink, with the understanding by the most junior member of the three employees being elevated that should Edward Fink choose to return pursuant to the provision of Section 71 of the Civil Service Law, that most junior A.E.O., be returned to the laborer classification.

The vote, Lombardi, Yes,

Before voting Councilwoman Tomlinson asked the following questions: "If Condzella says no, then what are you going to do? Is there going to be anybody else asked that question, or are you going to just forget about it?"

Supervisor Smith: "As I understand, there would be two alternatives. If Mr. Condzella says no, we will either abolish the A.E.O. position, or we would add a laborer position depending on which way he jumps."

Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Now I'll take the abolishment of the laborer positions into two steps, if I may. It is then in order, Mr. Horton, that you wish to abolish in your budget the laborer positions held by John Kess, Charles Downs, and August Stakey. Is that correct?"

Alex E. Horton, Supt of Highways: "Yes, providing that we're going to turn them into A.E.O.'s."

RESOLUTIONS

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

RESOLVED, That the laborer positions held by John Kess, Charles Downs and August Stakey be abolished.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the laborer position held by Anton Condzella be abolished upon Anton Condezlla accepting the appointment as Automotive Equipment Operator.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Mr. Irwin Scharfeld: "I would like to state one last time, that I would hope that the Town Board as well as Mr. Horton would take into consideration the situation that this now puts Mr. Baldelli in and would hope that if at all possible in reviewing Mr. Horton's requirements in this coming fall and winter, that there might be some method of getting Mr. Baldelli back onto the payroll of the Highway Department at the earliest possible date, but we are in agreement with what's taken place today. It is perfectly in the confines of the CSEA Contract and Civil Service Law, so that we have no objections. This will resolve the grievance that Mr. Baldelli submitted on July 5th. It resolves a grievance though in a manner that does not benefit, however, Mr. Baldelli. But it does contractually meet the obligations of both the Town Board and the CSEA in hearing this particular grievance."

Supervisor Smith: "All right and it is also true, Mr. Horton, then that you have one, two, three, four, five positions of laborer in the Highway Department and that's it. Well let's iron it out. Mr. Kiegiel, Mr. Lesczynski, Mr. Miller, Mr. Stakey and Mr. Woodson - do you have any other laborers up there?"

Alex E. Horton, Supt. of Highways: "No, off hand I don't know. I don't think so."

Supervisor Smith: "Stakey's gone - so we have four positions. Kiegiel, Lesczynski, Miller and Woodson - four laborers positions for the entire Highway Department of the Town of Riverhead correct, and no others."

Alex E. Horton, Supt. of Highways: "I haven't got it right with me."

Supervisor Smith: "Is it correct?"

Alex E. Horton, Supt. of Highways: "Yes."

Supervisor Smith: "I believe that brings the hearing to a close."

There being no further business, Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That this meeting be adjourned to Thursday, July 28, 1977 at 10:00 A.M., for the purpose of voting on the payment of bills, and any other matters that may come before the Board.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Helene M. Block