

**13. CONSIDERATION OF REPORT AND RECOMMENDATIONS on
Disciplinary Hearing**

JUN - 4 2012

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MEMORANDUM

TO: HON. WAYNE C. BOOTH, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF TOWN BOARD OF THE TOWN OF NEWBURGH
ACCEPTING FINDINGS AND RECOMMENDATION OF HEARING
OFFICER, DISMISSING DISCIPLINARY CHARGES, RESTORING TO
POSITION FOR PERIOD OF SUPSPENSION WITHOUT PAY PENDING
DETERMINATION OF CHARGES AND APPOINTING DEPUTY HIGHWAY
SUPERINTENDENT
OUR FILE NO. 800.1(B)() (2012)

DATE: JUNE 1, 2012

In accordance with Supervisor Booth's request, enclosed please find the above draft resolution for the Town Board's consideration.

Should you have any questions in this regard, please feel free to contact me.

MCT:kac
Enclosure

cc: Andrew J. Zarutskie, Town Clerk
John Platt, Public Works Commissioner
Darrell Benedict, Highway Superintendent
Elayne Gold, Esq. (via e-mail)
Mary Roach, Esq. (via e-mail)
Adam Kleinberg, Esq. (via e-mail)

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of June, 2012 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWBURGH: ACCEPTING FINDINGS AND RECOMMENDATION OF HEARING OFFICER, DISMISSING DISCIPLINARY CHARGES, RESTORING TO POSITION FOR PERIOD OF SUSPENSION WITHOUT PAY PENDING DETERMINATION OF CHARGES AND APPOINTING DEPUTY HIGHWAY SUPERINTENDENT

Councilman/woman _____ presented the following resolution which was seconded by Councilman/woman _____.

BE IT RESOLVED, after careful consideration by all members of the Town Board of the report and recommendation by Jay Seigel, Esq., Hearing Officer dated May 22, 2012, the review of the transcript of the testimony taken, as well as all documents entered in to the record by Mr. Seigel, it is the determination of the Town Board to accept in full Mr. Siegel's recommendations and to dismiss the disciplinary charges against Todd DePew dated December 5, 2011 and to restore the thirty suspension without pay imposed as a result thereof; and

BE IT FURTHER RESOLVED, pursuant to Town Law, Section 32(2), to appoint Todd DePew Deputy Superintendent of Highways effective June 5, 2012 at an annual salary of \$58,613.00.

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

George Woolsey, Councilman voting _____

Gilbert J. Piaquadio, Councilman voting _____

Elizabeth J. Greene, Councilwoman voting _____

Ernest C. Bello, Jr., Councilman voting _____

Wayne C. Booth, Supervisor voting _____

The resolution was thereupon declared duly adopted.