

**VILLAGE OF WOODSTOCK  
BOARD OF VILLAGE TRUSTEES SPECIAL MEETING  
NOVEMBER 18, 2020  
8:30 AM  
CONFERENCE CALL  
MINUTES**

**Draft minutes subject to approval.**

**Present:** Chair Jeffrey Kahn, Seton McIlroy, Daphne Lowe, Brenda Blakeman, Bill Corson, William Kerbin, Nikki Nourse, Jacob Holmes, Police Chief Robbie Blish, Jill Davies, Mary Riley, Michelle Sutherland, Allan Stein, Devon Kurtz, Karim Houry, Jennifer Raymond

**A. CALL TO ORDER**

1. Chair Kahn called the Trustees Meeting of November 18, 2020 at 8:32am.

**B. ADDITION TO AND DELETIONS FROM THE POSTED AGENDA**

1. Driveway Permit – Jennifer Raymond
2. Tree Warden Update

**C. NEW BUSINESS**

**1. Review and Approval of Police Union Contract**

- a. Mr. Kerbin stated that union fees will be deducted directly from their paycheck.
- b. Chief Blish stated that most officers that do not have normal hours are part timers and are not part of the union agreement.
- c. Ms. McIlroy stated that salaries are built into the budget.
- d. Chief Blish stated that this contract only pertains to four Woodstock officers and the administrative officer.
- e. Ms. McIlroy stated that the union dues are coming out of their paychecks and the village sends the annual dues to the union.
- f. Chair Kahn stated that this contract was negotiated between two members of the force, the union negotiator, Ms. McIlroy, himself, Chief Blish, and Mr. Kerbin.
- g. Chief Blish stated that seniority has to do with shift picks. Senior officers also get first dibs on overtime hours.
- h. Mr. Kerbin stated that within government it is typical to have separate sick versus vacation time.
- i. Chief Blish stated that all municipality employees pay 7% of their health insurance premium.
- j. Mr. Kurtz stated that he is a senior policy advisor for criminal justice. His specialization is in police contracts. His concern is Article 11 with the grievance procedure. He cautions against step 5 using an arbitrator. This is used in the worst-case scenario. An arbitrator could keep an officer who the Trustees, the Municipal Manager, and the Police Chief are uncomfortable with but is reinstated anyway by an unelected arbitrator. 25% of all fired officers are reinstated by an arbitrator. This occurs even with criminal convictions. Police officers deserve employment securities. They deserve a fair grievance process. Steps 1-4 are fine. Step 5 is too far. There are too many risks.
- k. Chair Kahn stated the grievance process starts with the person going to the supervisor and the supervisor would then go to the Chief of Police. Then it would go to the Municipal Manager, then the Trustees, then arbitration would occur if still not settled. It is unlikely to occur in our community, but it is possible. He mentioned an issue with 11.4 the working days definition. There are a number of places closing physical location. Town Halls are closed but working from home.
- l. Chief Blish stating that binding arbitration protects the municipality and officers. Arbitrators are agreed upon by both parties. He does not think the Union is going to bend on that. It prevents long drawn out legal battles. It is in most Union contracts. Arbitrators deal with more than just grievances.

- m. Chair Kahn stated that he has not seen misconduct within their police force. He does not think it impacts their situation.
- n. Mr. Kerbin concurs with Chief Blish. Without arbitration there would be increased legal fees. Arbitration is a better option.
- o. Ms. McIlroy is interested in what the alternatives are.
- p. Mr. Kurtz stated that there is a place for binding arbitration within the contract. There should be an exception made with suspension and discharge. It should stop at Step 4. Disagreements with pay or other issues could be done in arbitration. Misconduct should not be done with arbitration. Arbitration could reinstate an officer that no one feels comfortable policing the town. It is more likely for an arbitrator to reinstate the officer.
- q. Chief Blish stated that Act 66 was established in 2018 and it deals with officer misconduct. It has categories of offenses. If an officer is involved in certain misconduct, they will be decertified by the training council. Other misconduct is required to be reported to training council. There is protection from having rogue type officers. There are laws that protect this. They are not without protection.
- r. Mr. Kerbin stated that they agree on the selection of the arbitrator.
- s. Chief Blish stated that they had to fire an officer in 2013. The officer decided to go to the trustees, and they decided to terminate with his recommendation. Arbitration costs are split between the Union and the Town. It is cheaper than court.
- t. Ms. Davies stated that they should explore this in more detail.
- u. Chair Kahn stated that the Town is not affected by this contract.
- v. Ms. Davies stated that Article 33 states that there is no drinking in Village premises. For example, this should be stated in the Town too.
- w. Chief Blish stated that there are policies in place internally that prohibit the consumption of alcohol. Anything not addressed in this contract automatically is covered by the Town's personnel policy. Unions often use another contract when creating a new one. The contract will be retroactive to July 2020.
- x. Chair Kahn stated that he would hate to delay it.
- y. Ms. Davies stated that many of them have not read it yet.
- z. Chair Kahn stated that the contract has been read by those who have been negotiating it and the Trustees. He does not see the risk in approving this. The five officers under this contract are unlikely to go beyond the four steps and need an arbitrator.
- aa. Ms. McIlroy stated that they should delay this. It is unlikely they would get to that point, but it is a possibility. If they brought the issue to court the person in question would need to use their own funds as well. The Village should be able to manage their own people. It is better to deal with this now.
- bb. Ms. Blakeman stated that she thinks they should proceed.
- cc. Ms. Lowe agrees with Ms. Blakeman.
- dd. Mr. Corson stated that he believes they have enough information to move forward.
- ee. Chair Kahn stated that the contract states that a grievance must be filed within three working days. Working days are defined as days the Town offices are open. With COVID-19, he believes the Union would have no problem changing that since the Town offices may shut down.
- ff. Ms. Blakeman is okay with that minor change.
- gg. Mr. Kurtz stated that one officer is 1/5 of the force. It may be unlikely for one of these officers to be involved in misconduct but not impossible. If the Trustees have to reapprove the contract anyway, he believes it is worth looking into this and do more research.
- hh. Ms. McIlroy stated that she would like to learn more about Act 56.

Motion: by Ms. McIlroy to approve the change to Article 11, 11.4 regarding the definition of a working day.

Seconded: by Ms. Blakeman.

Discussion: Chair Kahn stated that they will have a meeting as soon as they hear back from the Union.  
Vote: 5-0-0, passed.

**D. OTHER BUSINESS**

**1. Driveway Permit – Jennifer Raymond**

- a. Ms. Raymond stated that she is looking to install a new driveway.
- b. Mr. Kerbin stated that Ken Vandenburg is fine with the change. He also agrees with it. This will have no effect on neighbors.

Motion: by Chair Kahn to approve the driveway permit as submitted by Jennifer Raymond.

Seconded: by Ms. Blakeman.

Discussion: none.

Vote: 5-0-0, passed.

**2. Tree Warden Update**

- a. Chair Kahn stated that Don Wheeler, the Village Tree Warden sent an update on his plans. He has no issues with what was reported. Mr. Wheeler still has room in the budget after the pruning and fertilization on the Green to prune the trees on Elm Street. Pruning on Elm Street would happen in the spring due to the holiday lights being strung up on them. Mr. Wheeler was responding to Ray Bourgeois' comments at their last Trustees meeting. They will have Mr. Kerbin contact Mr. Wheeler and let him know the Trustees agree with his plan.

- 3. Ms. McIlroy stated that due to the Governor's new rules regarding gatherings, all events scheduled on the Green have been cancelled.

**E. ADJOURNMENT**

Motion: by Ms. McIlroy to adjourn the meeting at 10:05am.

Seconded: by Ms. Blakeman.

Discussion: none.

Vote: 5-0-0, passed.

Respectfully submitted,  
Nikki Nourse