

Special Meeting, Hillsdale Town Board  
Friday, July 8, 2011

**I. Call to order**

**Supervisor Art Baer** called to order a special meeting of the **Hillsdale Town Board** at **6:00 pm** on **July 8, 2011**, in the **Hillsdale Town Hall**. The meeting began with the Pledge of Allegiance.

**II. Attending**

The following persons were present: Supervisor Baer, Board Members Carmen Barbato, Peter Cipkowski, Gillian Sims-Elster, and August Sena; Town Clerk Julie Kane, Highway Superintendent Richard Briggs, Town Attorney Nelson Alford; and 8 members of the public and the press.

**III. Labor Relations**

Mr. Baer informed the Board that he had received an email from Thomas Quackenbush, Business Agent for Teamsters Local 294, indicating that he had received information from Joe Regina, currently representing the Highway Department employees as shop steward, to the effect that an individual, perhaps a member of the Town Board or someone running for the Board, had visited the job site and had asked the employees to sign a document in support of a group or position. He continued, saying that Mr. Quackenbush inferred unfair labor practices and had written, "If this type of action is or had happened it is in clear violation and PERB will not tolerate this and the Town will be faced with costs that will cripple your taxpayers."

Mr. Baer then told the Board that in a subsequent email from Joe Regina, he had identified the person who came to the job site as resident Robina Ward. He indicated that the Board was interested in determining what had happened so that an appropriate response could be made to Mr. Quackenbush. Art asked Highway Superintendent Briggs who had been present when the visit from Ms. Ward took place.

Mr. Briggs responded that Joe Hamm, Robert Briggs, Joe Regina, Cliff Conklin, Ms. Ward, and Mr. Briggs himself had been present.

Mr. Baer asked when the incident had taken place, and Mr. Briggs responded that it had occurred at 10:00 am on Tuesday, July 5, 2011.

Mr. Baer asked how the incident had come about, and Mr. Briggs responded that Ms. Ward had called and asked where the crew was working and that then she had come to the job site.

Mr. Baer asked what Mr. Briggs thought was the reason for the visit. Mr. Briggs responded that Ms. Ward had asked some questions about the story in the Register-Star concerning the unionizing of the Department employees.

Mr. Baer asked what she gave the men to sign. Mr. Briggs responded that she had not given them anything to sign, that she had a piece of paper with a list of bullet points and had said that the employees could sign them individually.

Mr. Baer asked Mr. Briggs what his feelings were about the incident. Mr. Briggs responded that this hadn't been the first time that a resident had come to the job site to discuss the union issue.

Mr. Baer replied that this visit would be considered an unfair labor practice, bringing pressure to bear on the employees on the job site. He asked Mr. Briggs if he would object to the Board speaking with the shop steward and informing Ms. Ward that her actions were inappropriate. Mr. Briggs responded, "Not at all."

Mr. Briggs reminded the Board that he had said at the last Board meeting that he is just learning about labor issues, and he assured the Board that things of this sort would not happen again.

Mr. Baer responded that it will be the responsibility of the superintendent to see that the employees are treated fairly and to ensure that the Town is not put in jeopardy.

Mr. Cipkowski asked how many towns in the County have appointed highway superintendents. Mr. Baer responded, one or two. Mr. Cipkowski added that it would be interesting to look into how this would work in the case of Hillsdale. Mr. Baer indicated that whether the highway superintendent was elected or appointed, the Town's liability under the Taylor Law would be the same.

Mr. Baer directed the Mr. Alford to draft a letter to Ms. Ward asking her to cease and desist that the Board could review at its next meeting.

Resident Bill Dema asked the Board what events had occurred before Ms. Ward had appeared on the job site. Mr. Baer asked Mr. Briggs if Ms. Ward had told him what she had intended to do. Mr. Briggs responded that she had asked him where the crew was working and that after he told her, she came to the site while the crew was having coffee. He added that she had then started talking to the men, offering them some points that they could make supporting the highway superintendent.

Resident Fred Laing asked the Board when the Town would start the process of making the highway superintendent position an appointed position, rolling it into a public works department with the sewer and the parks.

Mr. Alford explained the process required to make this change, and Mr. Barbato asked Mr. Alford to look into it for the Board.

#### **IV. Adjournment**

On a motion of **Mr. Cipkowski**, seconded by **Ms. Sims-Elster**,

**Adopted by a vote of a vote of 5 ayes and 0 nays:**

**Supervisor Baer** adjourned the meeting at **6:45 pm**.

Minutes submitted by: Julie Kane, Hillsdale Town Clerk

*Minutes submitted by: Julie Kane, Hillsdale Town Clerk, to be accepted by the Hillsdale Town Board at the July, 2011, Regular Board Meeting.*

**baer**

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**From:** <quackys@roadrunner.com>  
**To:** <joeregina73@gmail.com>; <Baer@fairpoint.net>; <Hillsdalehighway@taconic.net>  
**Sent:** Saturday, July 02, 2011 8:13 AM  
**Subject:** Clarification  
Dear Joe, Art, and Rick,

I apologize in advance to those this does not concern if I am off base with any of my comments. I was in Las Vegas and in route to come home when I received information from Joe Regina that either the Supervisor or Superintendent was on site during work hours with I believe a councilwoman from the town or maybe someone running for council with one of you two.

It was reported that on of you wanted the Town Highway unit which I now represent to sign some document in support of one group or the other concerning something.

The conversation Joe and I had was very unclear as it was poor reception. I still am not sure what transpired but did tell him to have whoever this was to call me...I have not heard from anyone. Maybe Joe did not understand what I was saying and we were then cut off.

Let me make it very clear to both of you so we are all on the same page..I am the Business agent for this unit. I will be meeting with the unit shortly but have instructed Joe Regina in the past that the members are not required to sign any document other than their paycheck if they want to get paid...especially without my and or our Attorneys review.

If I find out that one of you have coerced my unit or any member of my unit to sign such a document I will be filing charges with the Public Employees Relation Board each and every time.

I will not tolerate unfair or improper labor practices such as this. If this type of action is or has happened it is in clear violation and PERB will not tolerate this and the Town will be faced with costs that will cripple your taxpayers.

Please ask your Attorney if I am correct....If he doubts my knowledge then I suggest you continue with the bullshit and I will wallpaper the town offices with charges.

My unit deserves to be able to go to work each day in a safe,harassment free,intimidated free,non political,and free of threat work environment each and everyday. You may say that they are....but I would differ because just the act of requesting someone to sign such a document poses that very threat to each and every member within their mind.

Case law will back up what I am saying....again dont believe me ask your Attorney.

Rick: I spoke to you on December 17th in the Town of Copake at the Christmas lunch and you seemed very receptive and I appreciate that and you even encouraged the members present to seek my representation or that of the Teamsters.

Art: You and you Board recognized our union and gave blessing through resolution...Thank You we appreciate that also.

Joe: You are Chief Steward of our unit and you did the right thing when you called...I apologize

7/7/2011

for being out of town and not being able to understand entirely what has transpired but I did not need to because I see what is occurring. Our unit is being placed in the middle of a political firestorm which is clearly against the spirit of the "Taylor Law"..I nor you can allow this to happen...Please call me ASAP!!

I reach out to the town to bargain in good faith, I pull no punches and tell it how it is and just ask the same from you folks. I realize we may not agree on all issues and don't expect to but I can't set idle on this particular issue.

I won't engage in "He said she said" if you have a response to this email send it to all of us so we are on the same page.

Thanks,

Tommy

7/7/2011

**baer**

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**From:** "Joe Regina" <joeregina73@gmail.com>  
**To:** <quackys@roadrunner.com>  
**Cc:** <Baer@fairpoint.net>; <Hillsdalehighway@taconic.net>  
**Sent:** Sunday, July 03, 2011 10:13 AM  
**Subject:** Re: Clarification

Tom, Art and Rick,

In response to Tom's email:

Firstly, Tom, thank you very much for your ongoing support. To clarify about the situation at hand: On Friday Richard had asked the unit if we would sign a letter stating that we went Union for a variety of issues, not necessarily for protection from Richard himself. This was in response to the newspaper article published about us joining the Teamsters Union. I told Richard that I had to check with Tom before we sign anything as a group, as I was uncertain of the legalities at hand. Robina Ward showed up at the job site, papers in hand, requesting that we sign documents then and there. Again, I stated that I needed to be in touch with Tom first and she requested that we contact him immediately.

Tom, I apologize for interrupting your vacation- I just wanted to handle the matter correctly, without putting our unit in any harm. You were quick to respond to my call, and I'm sorry reception was poor. We were on a job site and it was difficult to talk with Robina there, and still perform my job duties. I excused myself and walked away from the group, and I think into a poor cell area. As per our conversation, I gave Richard your number so that he could be in touch and you two could iron out the matter, and discuss the papers the guys were asked to sign.

Art and Rick:

Let me say to you both that we (the guys) appreciate your support in us joining the Teamsters. As a group we felt that we needed some support, on a myriad of issues. We are not interested in politics. We just want to come to work and do the best job we can.

Tom: All I can say is thanks again for having our back.

I hope this helps clarify.

Joe

On Sat, Jul 2, 2011 at 8:13 AM, <[quackys@roadrunner.com](mailto:quackys@roadrunner.com)> wrote:

Dear Joe, Art, and Rick,

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Thanks,

Tommy

7/7/2011

**Richard Briggs  
212 Holm Road,  
Hillsdale, NY 12529**

Town Supervisor & Town Board Members,  
Hillsdale Town Hall,  
PO Box 305,  
Hillsdale, NY 12529

July 7, 2011

Dear Town Supervisor and Town Board members,

It is my understanding that the Board will address the issue of Labor Relations at a Special Meeting on Friday July 8, 2011.

In an article in the Register Star on Friday July 1, 2011, a connection was suggested between the decision of the Highway Department to join the Teamsters and a charge brought against me last year.

As this Board knows, the charge was dismissed in its entirety by the Hillsdale Justice Court. The file has been sealed, by an order of our Town Court. Furthermore, as this Board knows, the charge was not dropped due to "inconsistencies in paperwork". My attorney moved to dismiss because the complaint was insufficient on its face and did not provide reasonable cause to believe an offense had been committed. The prosecution did not oppose our motion and joined in the request that the matter be dismissed.

This will serve to put the Board on Notice that I will consider any public discussion of the allegations which have been dismissed to be a violation of the Court's seal order, and depending on what is said, defamation and slander as well. If the Board chooses to discuss the allegations which have been sealed I will contact counsel and pursue legal action against the Board.

I trust that the Board will respect my rights in this regard and thank you in advance.

Sincerely,



Richard Briggs