

Village of Fort Edward

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 747-4023

RESOLUTION NUMBER 26

MOTION BY Trustee Hayes

SECONDED BY Trustee Williams

WHEREAS, the Fort Edward Village Board does hereby suspend Police Chief Robert Phillips, Jr. with pay, from his duties as Fort Edward Village Police Chief as of January 3, 2005, pending the results of a court date scheduled for February 2, 2005, and

WHEREAS, the Village Board reserves the right to review the suspension at their discretion.

Dated – January 3, 2005

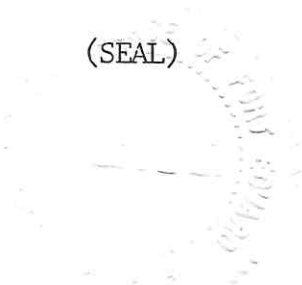
All Ayes

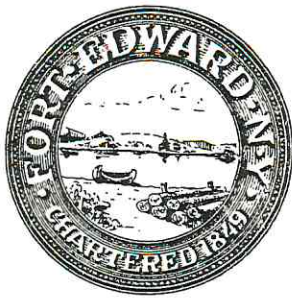
I CERTIFY THE ABOVE RESOLUTION WAS PASSED BY THE FORT EDWARD VILLAGE BOARD AT THEIR REGULAR MEETING OF JANUARY 3, 2005.

DATED January 3, 2005


Daniel Smatko, Clerk-Treasurer

(SEAL)





Village of Fort Edward

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 747-4023

January 11, 2005

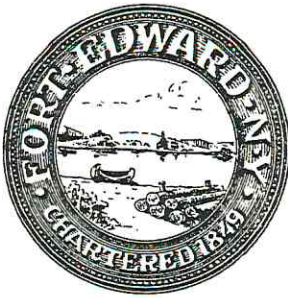
Mr. Robert Phillips, Jr.
22 McIntyre Street
Fort Edward, NY 12828

Dear Bob,

At the January 3, 2005 board meeting you were suspended from your duties as Police Chief until further notice. At the advice of our attorney you should not enter the police department without approval from the Mayor.

Respectfully,

Daniel Smatko
Village of Fort Edward



Village of Fort Edward

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 747-4023

RESOLUTION NUMBER 48

MOTION BY Trustee Weber

SECONDED Trustee Boucher

WHEREAS, Police Chief Robert Phillips as been suspended with pay since January 3, 2005 due to conduct not related to his position as Police Chief, and

WHEREAS, no conclusion has been reached through the court system regarding this matter, therefore

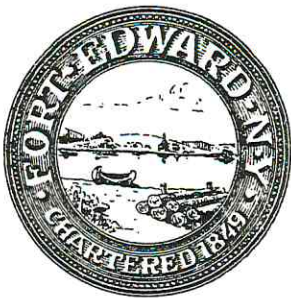
BE IT RESOLVED, the Fort Edward Village Board does hereby suspend Police Chief Robert Phillips without pay as of April 10, 2005 and a hearing will be scheduled within 30 days of that date by the village.

DATED April 4, 2005

ROLL CALL VOTE:

Trustee Boucher-----AYE
Trustee Forte-----AYE
Trustee Weber-----AYE
Trustee Williams-----AYE
Mayor Traver-----AYE

MICHAEL CATALFIMO
18 HILL STREET
GREENWICH, NY 12834



Village of Fort Edward

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 747-4023

RESOLUTION NUMBER 50

MOTION BY Trustee Weber

SECONDED Trustee Boucher

WHEREAS, the Fort Edward Village Board does hereby retain the services of Attorney Michael Catalfimo for legal matters relating to Police Chief Robert Phillips, and

WHEREAS, the village will pay a rate of \$185.00 per hour for services, and

WHEREAS, the effective date of this agreement will be May 25, 2005.

DATED May 25, 2005

ALL AYES

ORI No: NY057261J
Order No: _____
NYSID No: _____

At a term of the Village Court, County of Washington,
at the Courthouse at Greenwich, State of New York

Criminal Form 1 10/02

ORDER OF PROTECTION

Family Offenses - C.P.L. 530.12

Other Domestic Violence Crimes - C.P.L. 530.13¹

Youthful Offender (check if applicable)

PRESENT: Hon. John D. Ferrick
PEOPLE OF THE STATE OF NEW YORK

Part: CRIM Index/Docket No: _____

Indictment No., if any: _____

Charges: HARASSMENT

_____ against

Ex Parte

Defendant Present In Court
(check one)

Robert M. Phillips Jr. Defendant
Date of Birth: 8/11/69

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of: recognizance release on bail adjournment in contemplation of dismissal]

ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation]: HARASSMENT

And the Court having made a determination in accordance with section 530.12 or 530.13 of the Criminal Procedure Law, IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

[Check applicable paragraphs and subparagraphs]:

[01] Stay away from [A] [name(s) of protected person(s) or witness(es)]: KAREN PREVOST and/or from the [B] home of KAREN PREVOST, [C] school of _____, [D] business of _____, [E] place of employment of KAREN PREVOST, [F] other _____

[14] Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: KAREN PREVOST;

[02] Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats, or any criminal offense against [specify name(s) of protected person(s), members of protected person's family or household, or person(s) with custody of child(ren)]: _____;

[11] Permit [specify individual]: _____ to enter the residence at [specify]: _____ during [specify date/time]: _____ with [specify law enforcement agency, if any]: _____ to remove personal belongings not in issue in litigation [specify items]: _____;

[04] Refrain from [indicate acts]: _____ that create an unreasonable risk to the health, safety, or welfare of [specify child(ren), family or household member]: _____;

[05] Permit [specify individual(s)]: _____, entitled by a court order or separation or other written agreement, to visit with [specify child(ren)]: _____ during the following periods of time [specify]: _____, under the following terms and conditions [specify]: _____;

[12] Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following _____ . Such surrender shall take place immediately, but in no event later than [specify date/time]: _____ at: _____

[99] Specify other conditions defendant must observe: _____

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby [13A] suspended or [13B] revoked (note: final order only), and/or [13C] the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes).

IT IS FURTHER ORDERED that this order of protection shall remain in effect until 6/7/06 (specify date)

DATED: 6/7/05

Defendant advised in Court of issuance of Order.

Received by Defendant _____

Defendant's signature

John D. Ferrick
JUDGE / JUSTICE
Court (Court Seal)

Service Executed Date: 6/7/05 Time: 2:45 PM Warrant issued for Defendant

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor.

Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 USC §§2265, 2266).

It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence against an intimate partner or family member; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm

JUNE 8, 2005

TO: BOB PHILLIPS, JR.

FROM: DAN SMATKO

RE: DATES RELATING TO SUSPENSION

JANUARY 3, 2005 - SUSPENDED WITH PAY

APRIL 10, 2005 - SUSPENDED WITHOUT PAY

ATTORNEY ACTING ON BEHALF OF VILLAGE

MICHAEL CATALFIMO

18 HILL STREET

GREENWICH, NY 12834

CATALFIMO & CATALFIMO

ATTORNEYS AT LAW

18 HILL Street - P.O. Box 184
GREENWICH, NEW YORK 12834

TELEPHONE (518) 692-9645

Fax (518) 692-2833

PLEASE REPLY TO GREENWICH

JAMES A. CATALFIMO
MICHAEL J. CATALFIMO*

EDWARD M. CONNELL

* ALSO ADMITTED IN MASS.

GRANVILLE OFFICE:

76 MAIN STREET - P.O. BOX 150

GRANVILLE, NEW YORK 12832

TELEPHONE (518) 642-9825

August 9, 2005

Daniel Smatko, Clerk
Village of Fort Edward
118 Broadway
Fort Edward, New York 12828



Re: Village of Fort Edward v. Robert N. Phillips, Jr.

Dear Dan:

Enclosed herewith in connection with the above-referenced matter, please find the following:

1. Letter of Resignation signed by Chief Phillips;
2. Original Stipulation of Settlement, duly executed by the Board of Trustees and Chief Phillips;
3. Copy of Notice of Hearing and Statement of Charges;
4. Original and one copy of Stipulation of Discontinuance with respect to the Disciplinary Proceeding commenced by the Village against Chief Phillips.

These documents should be handled and processed as follows:

- ✓ a) the Letter of Resignation and Stipulation of Settlement should be date stamped by you and placed in the Chief's Personnel File;
- ✓ b) the Notice of Hearing and Statement of Charges should be placed in the Chief's personnel file; and
- ✓ c) the Original Stipulation of Discontinuance should be date stamped by you and placed in the Chief's Personnel File; and
- d) the copy of the Stipulation of Discontinuance should be date stamped by you and returned to me in the envelope which is enclosed.

As part of the settlement of this matter, Chief Phillips agreed to discontinue the lawsuit which he brought against the Village in Washington County Supreme Court. The paper work needed to accomplish this has been filed with the Court Clerk. Once it has been processed, I will send to you for the Village's records, a date stamped copy of the Stipulation Discontinuing the lawsuit. My services for the Village in connection with this matter will then be concluded and I will submit my Statement for Services Rendered at that time. If you would like me to submit a voucher with the Statement, please provide me with a copy of the Village's voucher form when you return the date stamped Stipulation of Discontinuance to me.

Daniel Smatko
August 9, 2005
Page 2

Since the settlement documents for this matter are now fully signed, the Village should proceed to make the payments to Chief Phillips which are provided for in paragraphs 3 and 4 of the Stipulation of Settlement.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Thank you.

Very truly yours,

CATALFIMO & CATALFIMO



By: Michael J. Catalfimo

MJC/
Enclosures (as stated)
cc: Matthew Traver, Mayor

CATALFIMO & CATALFIMO

JAMES A. CATALFIMO
MICHAEL J. CATALFIMO*
EDWARD M. CONNELL

* ALSO ADMITTED IN MASS.

ATTORNEYS AT LAW
18 HILL Street - P.O. Box 184
GREENWICH, NEW YORK 12834

TELEPHONE (518) 692-9645
Fax (518) 692-2833

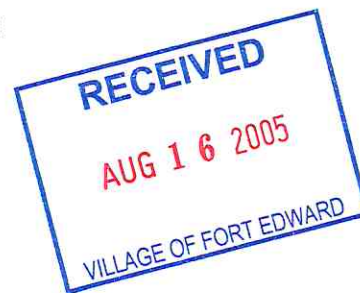
PLEASE REPLY TO GREENWICH

GRANVILLE OFFICE:
76 MAIN STREET - P.O. BOX 150
GRANVILLE, NEW YORK 12832
TELEPHONE (518) 642-9823

August 16, 2005

VIA FAX (581-9590) ONLY

John J. Poklemba, Esq.
Poklemba & Hobbs, LLC
358 Broadway, Ste 307
Saratoga Springs, New York 12866



Re: (1) Village of Fort Edward v. Robert N. Phillips, Jr. (Disciplinary Proceeding)
(2) Robert N. Phillips, Jr. v. Village of Fort Edward (Article 78 Proceeding)


Dear John:

Enclosed herewith in connection with the above-referenced matters, please find a date stamped copy of the Stipulation Discontinuing the Disciplinary Proceeding. Kindly fax me a date stamped copy of the Stipulation of Discontinuing the Article 78 Proceeding, so that I can close my file.

When we last discussed this case by telephone, you inquired about some photographs that Mr. Phillips claimed were missing from his personal belongings. As promised, I spoke with my client about this issue and was informed that there were, in fact, some pictures which were separated from Mr. Phillips' other items of personal property after he was suspended. These pictures, I am told, graphically depict Mr. Phillips engaging in sexual acts with at least two different women. They were separated from his other belongings in order to make them more secure and Mr. Phillips may arrange for their return by contacting Sgt. Sandford at the Fort Edward Police Department.

Very truly yours,

CATALFIMO & CATALFIMO

By: 
Michael J. Catalfimo
Attorneys for the Village of Fort Edward

MJC/

Enclosure (as stated)

cc: Matthew Traver, Mayor (without enclosure) (via fax only)

Sgt. Walter Sandford (without enclosure) (via fax only)

F:\DATA\Municipal\fort edward\VFE v Phillips\Ltr-JPoklemba Enclosing Date Stamped Stip of Disc 050816.wpd

STATE OF NEW YORK COUNTY OF WASHINGTON

FORT EDWARD VILLAGE BOARD OF TRUSTEES

IN THE MATTER OF A PROCEEDING UNDER NEW YORK
VILLAGE LAW SECTION 8-804 AND CIVIL SERVICE LAW
SECTION 75 FOR DISCIPLINE

OF

ROBERT N. PHILLIPS, JR.

RECEIVED
AUG 11 2005
David Smith
VILLAGE OF FORT EDWARD

STIPULATION OF
DISCONTINUANCE

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the Charging Party and the attorneys for the Respondent, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the proceeding, the above entitled proceeding be, and the same hereby is discontinued, upon filing this stipulation with the Clerk of the Village of Fort Edward.

This stipulation may be filed without further notice with the Clerk of the Village of Fort Edward.

DATED: Greenwich, New York
July 20, 2005

CATALFIMO & CATALFIMO

POKLEMB & HOBBS, LLC

BY: *[Signature]*
MICHAEL J. CATALFIMO, ESQ.
Attorneys for Charging Party,
Village of Fort Edward
18 Hill Street - P.O. Box 184
Greenwich, New York 12834
(518) 692-9645

BY: *[Signature]*
JOHN J. POKLEMB, ESQ.
Attorneys for Respondent
358 Broadway, Ste 307
Saratoga Springs, New York 12866
(518) 581-9797

CATALFIMO & CATALFIMO
ATTORNEYS AT LAW
18 HILL STREET
P.O. BOX 184
GREENWICH, NY 12834
TELEPHONE (518) 692-9645

STATE OF NEW YORK)
)ss.:
COUNTY OF WASHINGTON)

I, DANIEL J. SMATKO (Clerk)(Deputy Clerk) of the Village of Fort Edward, Washington County, New York, DO HEREBY CERTIFY:

(1) That I am a duly authorized custodian of the official records and papers of the Village of Fort Edward;

(2) that to the best of my knowledge, after reasonable inquiry, the annexed document, entitled "Rules and Regulations of the Fort Edward Village Police Department", adopted April 7, 1980, is a true and accurate copy of the original thereof;

(3) that the original of said record was made by the personnel or staff of the Village of Fort Edward, or by persons acting under their control, in the regular course of business of the Village of Fort Edward, at the time of the act, transaction, occurrence or event recorded therein, or within a reasonable time thereafter, and that it was the regular course of business of the Village of Fort Edward to make such record; and

(4) that said Rules and Regulations were duly adopted by the Board of Trustees of the Village of Fort Edward on April 7, 1980 and have not been amended, modified or repealed since said date .

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village this 14th day of July, 2005.

[SEAL]

Daniel J. Smatko
, (Deputy) Clerk
Village of Fort Edward, Washington County,
New York



Exhibit A

ROBERT N. PHILLIPS, JR.
2 Sunset Lane
Fort Edward, New York 12828

July 20, 2005

Board of Trustees
Village of Fort Edward
118 Broadway
Fort Edward, New York 12828

Dear Sirs:

This is to advise you that effective November 6, 2005, I voluntarily resign my position as Chief of Police of the Fort Edward Village Police Department and agree not to seek re-employment with said Department. I request that effective July 20, 2005, I be granted a paid administrative leave from my position as Chief of Police until the effective date of my retirement.

Sincerely yours,

Robert N. Phillips, Jr.