

cc: Daniel Smatko
Village Clerk

LHC:jm
Enc.

Lawrence E. Corbett, Jr.



Very truly yours,

I'm enclosing herewith the Village of Fort Edward check payable to the order of your client, Jon Roberts, in the net amount of \$853.06 in final disposition of this matter.
The letter of reprimand will remain in Jon Roberts' personnel file.

Dear John:

Re: Matter of Jon Roberts

John J. McMahon, Esq.
McMahon & McMahon
Attorneys at Law
16 Lake Avenue
Saratoga Springs, New York 12866

May 16, 1983

MAY 16 1983

P.O. BOX 393
518-747-0611
518-747-4289

RECEIVED
Village of Fort Edward
Village Clerk

LAWRENCE E. CORBETT, JR.

ATTORNEY AT LAW

70 BURGONE AVENUE

FORT EDWARD, NEW YORK 12828

EMPLOYEE'S STATEMENT OF EARNINGS
AND DEDUCTIONS - DETACH AND RETAIN
TREASURER OF THE VILLAGE
OF FORT EDWARD

PERIOD ENDING 8/27 - 7/27 1982

NAME	<u>Jon Roberts</u>			
REGULAR HOURS @				112160
OVERTIME HOURS @				
TOTAL EARNINGS				112160
F. I. C. A.	75	14		
WITHHOLDING U. S. INCOME TAX	142	40		
N.Y.S.W. TAX	50	70		
N.Y.D.B. INB.		30		
TOTAL DEDUCTIONS				26854
NET PAY				85306

TREASURER OF THE VILLAGE OF FORT EDWARD FORT EDWARD, NY 12828		12783
FOR		50-255 213
TO THE ORDER OF		MAY 16 1983
JON ROBERTS		\$ 853.06
EIGHT HUNDRED FIFTY-THREE DOLLARS & 06/100-----DOLLARS		
Glens Falls National Bank and Trust Company Fort Edward Office Fort Edward, N. Y. 12828		
FOR		937248 311

Harold A. King MAYOR
Daniel J. Donato TREAS.

EMPLOYEE'S STATEMENT OF EARNINGS
AND DEDUCTIONS - DETACH AND RETAIN
TREASURER OF THE VILLAGE
OF FORT EDWARD

PERIOD ENDING 8/27 - 9/27 1982

NAME	<u>Jon Roberts</u>			
REGULAR HOURS @				112.160
OVERTIME HOURS @				
TOTAL EARNINGS				112.160
F. I. C. A.	75.14			
WITHHOLDING U. S. INCOME TAX	142.40			
N.Y.S.W. TAX	50.70			
N.Y.D.B. INB.	30			
TOTAL DEDUCTIONS				268.54
NET PAY				853.06

TREASURER OF THE VILLAGE OF FORT EDWARD FORT EDWARD, NY 12828		12783
MAY 16 1983		50-255 213
PAY TO THE ORDER OF JON ROBERTS		\$ 853.06
EIGHT HUNDRED FIFTY-THREE DOLLARS & 06/100		---DOLLARS
Glens Falls National Bank and Trust Company Fort Edward Office Fort Edward, N. Y. 12828		FOR MAYOR TREAS.
1101278311010213025541		937248 311

LAWRENCE E. CORBETT, JR.
ATTORNEY AT LAW
70 BURGUYNE AVENUE
FORT EDWARD, NEW YORK 12828

May 5, 1983

P. O. BOX 393
518-747-0611
518-747-4289

Leonard J. King, Mayor
Village of Fort Edward
Fort Edward, New York 12828

Dear Mayor King:

The motion of Jon Roberts for a judgment reviewing, vacating and annulling the determination of the Village Board in suspending him for thirty days and placing a letter of reprimand in his personnel file was heard this morning at Special Term, Supreme Court. A copy of the Court Calendar is enclosed.

Judge John Dier requested a conference with me and Jon Roberts' attorney, John McMahon, and Judge Dier indicated to me that because there was no specific rule of the Village Police Department prohibiting the carrying of passengers (male or female) in a Village Police car, that he was of the opinion that the Appellate Division of the Supreme Court would reverse the decision of the Hearing Officer and the action of the Village Board taken as a result of the Hearing Officer's decision.

Mr. McMahon then stated to Judge Dier that he was primarily interested in restoring Jon Roberts' lost salary for the thirty days he was suspended. He then offered to settle the matter on the basis that the Village would repay Roberts for the period of his suspension, but the letter of reprimand could continue to be a part of Roberts' personnel record.

I indicated to the Court that I had no authority to settle the matter and that it would be necessary to convene a Special Village Board Meeting to consider the matter. Judge Dier pointed out that the cost of the appeal in the Appellate Division could cost the Village a couple of thousand dollars, win or lose, and in the event Roberts was successful in the appeal, the Appellate Division could award court costs to Roberts.

Judge Dier then reserved decision on the motion until such time as I advise him of the final decision of the Village Board. He directed me to have an answer to him by May 13, 1983.

I should make clear to you that Judge Dier can make a decision in the appeal to the extent that the action of the Board was arbitrary and capricious, and that the Board abused its discretion in the measure of the penalty imposed (loss of 30 days pay). The issue that on the entire record the determination of the Board was not supported by substantial evidence is a question that must be decided by the Appellate Division and Judge Dier does not have the authority to rule on that question.

The upshot of all of this is whether or not the Board wishes to now repay Roberts his lost wages, or let the matter go to the Appellate Division. The costs of the appeal in the Appellate Division are expensive. Between lawyers time, printing of briefs and records, etc., the cost to the Village, even if the Village prevails, could easily run a couple of thousand dollars and perhaps more. If the Village loses in the Appellate Division, total court costs could be awarded to Roberts. I believe you should call a Board Meeting during the next week to consider this matter.

Very truly yours,



Lawrence E. Corbett, Jr.
Village Attorney

LEC:jm
Enc.

SPECIAL TERM CALENDAR
SUPREME COURT

WASHINGTON COUNTY * May 5, 1983 * 9:30 A. M. * Hudson Falls, New York
Honorable John G. Dietz presiding *

1.
Raymond and Catherine Ryder, Francis
& Alice M. Murray
vs
Richard Roberts, Chairman, Ronald
Montesi, William Threw, Joseph Dybas,
Hildegard Mann, Kenneth Sorlin &
Bryan Harrison, As and constituting
the Planning Board of the Town of Queens-
bury, Respondents
To Review a Determination Pursuant to
Art. 78 of the Civil Practice Law &
Rules
Article 78 Proceeding for judgment annulling determination
of the Queensbury Planning Board

2.
In the Matter of the application of
Jon Roberts
Petitioner
For a judgment pursuant to Art. 78
of the CPLR Directed To
The Village of Fort Edward, Wash-
ington County, NY Respondent
Art. 78 proceeding for a judgment reviewing, vacat-
ing and annulling a determination made against
petitioner
*McMahon & McMahon PC
March 2, 1983
Lawrence E. Corbett, Jr.

3.
Lori A. Paddock
vs
Martin B. Paddock
Motion for custody, child support, maintenance and
counsel fees
*Law Office of John S. Hall, P.C.
March 10, 1983
Kennelly & Tarantino

4.
Deborah Vigliotti
vs
Vincent Vigliotti
Motion for a Contempt of Court and Modification of Visita-
tion Rights
*William L. Nikas
March 28, 1983

5.
Roger Holcomb
vs
Kathy M. Holcomb
James J. Grifferty
April 1, 1983
*James A. Catalano
Motion for Maintenance for defendant, counsel fees, custody of
children, support for children, possession of marital residence,
automobile and life & health insurance coverage

McMAHON & McMAHON, P. C.

ATTORNEYS AT LAW

16 LAKE AVENUE

SARATOGA SPRINGS, NEW YORK 12866-0587

TELEPHONE 584-5030 AREA CODE 518

March 2, 1983

CARL L. McMAHON (1895-1966)
JOHN L. McMAHON
EDWARD J. McMAHON
JOHN P. COSEO
PETER L. COSEO
MELODY EDWARDSSEN

Clerk
Village of Fort Edward
Fort Edward, New York

Re: Article 78 Proceedings
Jon Roberts v. Village of Fort Edward

Dear Sir:

Delivered herewith please find photocopies of
exhibits A through E which were inadvertently omitted
from the petition served upon you yesterday in the
above proceeding.

Yours very truly,

McMAHON & McMAHON, P.C.

John L. McMahon
John L. McMahon
Xo

JLM:ko

Enc.

cc: Lawrence Corbett, Esq.
Village Attorney