

March 21st, 2024
Board of Directors Meeting
P.B.A. - Headquarters
Albany, New York

The following minutes were recorded at the March Board of Directors Meeting. Also attending was NYSTPBA General Counsel and Assistant General Counsel from Lippes Mathias LLP and Mrs. M. Crisafulli (Dir. Operations & Communications).

MOTION **Secretary (Brody) – Enter Executive Session**
2ND **2nd VP (Sheridan)**
Carried

MOTION **Secretary (Brody) – Exit Executive Session**
2ND **2nd VP (Sheridan)**
Carried

PRESIDENT’S ADDRESS (MURPHY)

- Moment of silence for Trooper John M. Grassia who died in a helicopter accident while with the National Guard.
- Members of the Executive Board met with new Superintendent Steven James. Many topics discussed including tattoo policy and outer vest carriers. It was a positive meeting and the NYSTPBA looks forward to working with the Superintendent for the betterment of NYSTPBA members.
- Division sent out a climate survey to the membership. The NYSTPBA would like to review the results when completed.
- Division previously paid for a leadership study which was ultimately disbanded. The belief is that the results were not positive on Division leadership at the time of the study. NYSTPBA will look into acquiring those results.
- 2nd VP Jason Sheridan spoke with Jessica Scarcella-Spanton regarding the EZ-Pass issue affecting NYC members. She will be amending a bill to add relief to those members.
- VSF – Law Firm Jackson Lewis is working on bylaws for the Rabbi Trust. Guidelines for the upcoming payouts and eligibility are being ironed out. Some of the items being discussed:
 - Members will be eligible after 1 year of retirement vs the original proposed 5 year wait.
 - Include members that retired on disability. The new NYSTPBA board believes those members should be entitled to the fund since their contractually negotiated funds were put into the VSF each year they were employed by the NYSP.
 - Simplifying the calculation of what percentage members will receive. Members will be entitled to 5% per year they were a member of the NYSTPBA (up to 100%).
 - Looking into necessity of an outside board running the VSF vs the current board which was not involved in the oversight. NYSTPBA believes the 17-member board members will

provide greater oversight vs the previous 5-member board that did not include any active members.

- Delegate training will be on April 17th.
- Discussed issue with Investigator Anthony Ashe not being listed as 9/11 LODD.
- Trooper Grassia funeral will be a military funeral. NYSTPBA is running most of the funeral including the reception afterwards.
- Continued discussion on whether to switch Trooper magazine to digital hybrid version. To be discussed at future meeting while Treasurer is present who is currently on excused absence.

INSURANCE UPDATE – JENNIFER COSTANZO PRO MARK INSURERS

- Discussion over Delta Dental for retirees
- Previous insurance broker provided inaccurate lower salaries to MetLife. Due to this, Long Term Disability premiums were lower than MetLife would have charged. Now that the three-year rate lock is up, MetLife wants to triple the premiums due to the higher than forecasted payments they have made during that time frame. Jennifer and her firm are looking at 25 different insurance carriers to see who has the best rate and coverage.
- Members can access their insurance documents via the EFP website. This was not possible with the previous broker Epic Risk Solutions.
- Worked with Comptroller to split types of insurance on paystub to avoid confusion
- Open enrollment will be in November.

MOTION **President (Murphy) – Motion to list 48 Howard St for sale.**
2ND **Secretary (Brody)**
 Carried

1st VP Report (Murphy)

- 1st VP on excused absence, President Murphy to handle the 1st VP Report.
- Sewage pipeline in basement is broken 8 feet underground. No estimate yet but it is most likely going to be expensive to the depth and location.
- A/C and furnace being replaced on top of building with crane needed to hoist same on to the roof. Cost will be \$48,000 for total replacement. This is better than the original estimate of approximately \$100,000. This includes roof repair associated with the installation.

MOTION **2nd VP (Sheridan) – Motion to approve replacement of A/C, furnace, and roof repair for**
\$48,000.
2ND **Troop F (Johnstone)**
 Carried

2nd VP REPORT (SHERIDAN)

- Purchased three different types of tattoo sleeves to present to The Division as an alternative to wearing long sleeves and tie during the hot summer months. The Division will be paying for the sleeves.

MOTION **2nd VP (Sheridan) – Endorse the following political candidates:**

Iwen Chu State Senate

Mike Keane Erie County D.A.

Tim Kennedy U.S. House of Representatives

Daniel Enea Herkimer County Coroner

Kristy Sprague Essex County Judge

2ND

Troop G/H (Kuchark)

Carried

- DROP Bill – Still waiting for the fiscal note from the Comptroller’s Office.
- NYSTPBA is pushing for two Tier 6 bills to be in the budget. One bill reduces the final average salary calculation from 5 years to 3 and the other exempts overtime from the pension contribution.

TREASURER REPORT (Murphy)

- Treasurer Marty McClellan on excused absence
- Presented Presidents expenses totaling \$547.88.
- Presented treasurer report which will be posted to the website and NYSTPBA app.
- Previously NYSTPBA accounting firm Oconnor Davies submitted bill for \$58,890.50 for subpoena compliance. The NYSTPBA did not contract them for these services and do not believe the NYSTPBA membership is responsible for same.

- **MOTION** ***President (Murphy) – Motion to reimburse Troop accounts from general fund for expenses incurred for the following.***

Troop NYC – St Patty’s Day and Staten Island Rainbow Parade

Troop G/H – Multi agency search for missing baby

Troop D – St Patty’s Day parade

Troop F – Unity Tour

2ND

Troop L (Nunziata)

Carried

- Guidebook to be created for Line of Duty Deaths and NYSTPBA directives.
- New sign in sheet for NYSTPBA meetings.
- More detail being required in future receipt submissions.
- Discussion over whether a Troop should be reimbursed for a member in attendance that is from another Troop or delegation. At this time, it will remain the same with the Troop running the meeting being reimbursed regardless of whether they are part of that delegation.

LEGAL REPORT – GENERAL COUNSEL LIPPES MATHIAS LLP

- New conflict of interest form provided to all members of the board. This requires all members of the board to advise if there are any potential conflicts of interest. This includes any potential relationships or financial interests that could pose a potential conflict. All Board Members are required to sign the form.
- NYSCOPBA (Correction) is set to vote on their proposed contract on March 28th.
- Secretary (Brody) provided presentation to new The Division's new Employee Relations team on how the job of a NY State Trooper has vastly changed over the last few years. Presentation highlighted all the new issues and changes like Body Cameras, Covid response, police reform, discovery laws, ERPO enforcement, vilification, and lack of respect for police, taking on Parks Patrol, massive increase in pursuits due to bail reform and repeal of 50-A. All while our members excelled in enforcement more than any other agency. These arguments are echoed in our arguments for a fair contract.
- Negotiations previously scheduled for March 20th are being rescheduled.
- Trooper and Delegate Anthony Nigro was acquitted on all charges brought by the Attorney General's Office. The NYSTPBA is pleased with this verdict and the great job done by NYSTPBA recently acquired Quinn Law firm.
- **MOTION** **President (Murphy) – Enter Executive Session**
2ND **Secretary (Murphy)**

Carried
- **MOTION** **President (Murphy) – Exit Executive Session**
2ND **Secretary (Murphy)**

Carried
- Detailed legal report passed out to board members.
- The Legislative outlook including DROP and Tier six pension improvements previously discussed by 2nd VP.
- 2nd VP Jason Sheridan and Lippes Mathias drafted a bill titled "Notice of Foil". This bill would require all public employers to notify their employees if their records have been released via FOIL.
- Drafted bill that would allow law enforcement officers from outside state agencies to due lateral transfers to help recruitment.
- Drafted bill to increase military buyback from 3 years to 4.
- Drafted National Guard bill allowing buyback for those that were deployed within the Country and State.
- Increasing relationships with NY State makers.
- Detailed Troop officer involved shooting and NYSTPBA response.
- District Attorney is requesting a Trooper testify at a court proceeding and waive their immunity. The NYSTPBA believes this is improper and opens the Trooper to loss of legal protection. Trooper will not be testifying without immunity.

- District Attorney is sending a Trooper's shooting to grand jury even though it was clearly justified.
- Trooper tested positive for a drug on initial urine test. Follow-up hair test which is more accurate, showed negative results for any drugs. This is most likely due to medication this Trooper was prescribed that can provide a false positive urine test.
- Another member was declared not fit for duty under Rule 13.
- Board members advised of previous grievances that were supposedly filed by previous NYSTPBA legal team that have not been discussed. Lippes Mathias legal team has not seen these grievances and will be looking into them.
- Legal team has successfully removed PBA items for sale on the internet by parties other than the NYSPBA.
- Signal 30 has not responded to the NYSTPBA's request for their financial status as of this date.
- TIM's grievance was denied at Step 3 by Division on March 20th. Division form AU-11 to be submitted through channels by TIM's members.
- Proposal being created for expedited discipline for members accused of minor infractions. This is to prevent a member from being shelved for special details or assignments due to the pending incident review or personnel complaint.
- Trooper Bleichner grievance was successful although he was told that he cannot tryout for K9. Possible miscommunication within The Division.

Troop A (Catanzaro)

- The Troopers Unit was previously briefed on all ongoing personnel complaints, adjudications and other incidents within Troop B.

Troop B (Scott)

- Detailed incident with subject handcuffed in front. That subject then struck themselves in face with the cuffs. The trooper is now facing disciplinary action for not handcuffing behind their back.
- Incident with contraband located in vehicle that was secreted from a prisoner.
- Trooper being investigated for failing to back up another Trooper when request was sent out over radio. Trooper is currently working in communications pending this investigation.
- The Troopers Unit was previously briefed on all other ongoing personnel complaints, adjudications, and other incidents within Troop B.

Troop C (Delmar)

- Some courts are requesting ticket supporting depositions even if they were already provided at the time of traffic stop. Some courts across are doing the same.
- Troop C retiree and awards dinner is scheduled for April 11th.
- The Troopers Unit was previously briefed on all other ongoing personnel complaints, adjudications, and other incidents within Troop C.

Troop D (Lodge)

- Ongoing personnel complaint is being refuted.
- The Troopers Unit was previously briefed on all other ongoing personnel complaints, adjudications, and other incidents within Troop D.

Troop E (Cunningham)

- The Troopers Unit was previously briefed on all ongoing personnel complaints, adjudications, and other incidents within Troop E.

Troop F (Johnstone)

- Grievance for Trooper denied opportunity to try out for K9 was successful. Member was allowed to tryout.

Troop G \ H (Kuchark)

- The Troopers Unit was previously briefed on all ongoing personnel complaints, adjudications, and other incidents within Troop G\H.

Troop K (Brody)

- Previously discussed the need for The NYSTPBA to purchase a food truck to respond to funerals, details, and manhunts. Purchased a used Con Edison utility truck with 20,000 miles for \$22,000. All funds used to purchase the truck are from donations. Work to fabricate the truck with a fully operational kitchen will take a few months. Will need more donation to complete the build.
- The Troopers Unit was previously briefed on all ongoing personnel complaints, adjudications, and other incidents within Troop K.

Troop L (Nunziatta)

- Made complaint with Admin Captain over mold issue in SP Farmingdale. Currently working with vendors to remedy same.
- Discussed issue with member being passed over for Sergeant due to on duty injury.
- Discussed previous grievance with airshow overtime cancelation.
- The Troopers Unit was previously briefed on all other ongoing personnel complaints, adjudications, and other incidents within Troop L.

Troop NYC (Kaye)

- A personnel complaint was filed against the only sworn member who declined joining NYSTPBA. That Trooper reached out to the NYC rep asking for representation. Since he is not a member of the NYSTPBA, The NYSTPBA will not be providing legal representation.
- The Troopers Unit was previously briefed on all ongoing personnel complaints, adjudications, and other incidents within Troop NYC.

Troop T (Dolce)

- Requested update on EZ-Pass issue with no new news.
- Ongoing issue with members being requested for an A.D.A. conference and location of where they are allowed to do the conference.
- The Troopers Unit was previously briefed on all ongoing personnel complaints, adjudications, and other incidents within Troop T.

NCO East – (Terraferma)

- Nothing new to report.

NCO West – (Alternate Delegate Josh Pacioni)

- Nothing new to report.

Commissioned Officers – (Hollands)

- 10-hour schedule pilot to be implemented in Troops F and D.
- Pending personnel complaint with a member in NYC.
- Discussed long ongoing personnel complaint with the PSU detail.

Membership Committee - (Nunziata)

MOTION *Troop L (Nunziata) – Approve the following Honorary Membership*
Bradley Tomney
Mordechi Toney Isaac
Godinger
Carlo Panicola.

2ND *Secretary (Brody)*
Carried

President’s Closing (Davis)

- Overhauling the list of committees and may remove some that are not necessary.
- Florida Association Retired Troopers fighting for cost-of-living increase.
- Next board meeting will be held on April 18th.

MOTION *President (Murphy) – Motion to adjourn meeting.*

2ND *2nd Secretary (Brody)*
Carried