

Business Meeting March 19, 2019

## **Caroline Town Board Business Meeting Minutes of March 19, 2019**

The Town Board Business Meeting held on March 19, 2019 at the Caroline Town Hall was called to order at 7:04 p.m. by Supervisor Mark Witmer.

**Attendance:** Mark Witmer, Supervisor  
John Fracchia, Councilmember  
Tim Murray, Councilmember  
Cal Snow, Councilmember

**Recording Secretary:** Becky Jordan, Deputy Clerk

**Also Present:** 23 members of the public attended

Supervisor Mark Witmer led the Pledge Allegiance to the Flag.

### **Privilege-of-the-Floor:**

Member of Public – pertaining to last meeting postponed: Mention of clerk’s report hadn’t been turned in since Sept, what is the clerks report?

Monies in the clerk’s office, accounting, reconciliation.

Why not since Sept? Is that out of compliance?

It should be monthly.

### **Additions or Deletions from Agenda**

None

### **Reports**

Brooke Greenhouse, Code Officer – None

Marilou Harrington-Lawson, Town Clerk – None

Cindy Whittaker, Highway Superintendent – None

Mark Witmer –

### **3/19/19 Supervisor’s Comments on Firing of Deputy Clerk Jessica Townsend**

I am extremely concerned about the firing of Jessica Townsend as Deputy Clerk of the Town of Caroline on the morning of Saturday, March 9, 2019. I am troubled both by the dismissal of an excellent public servant, and by the odd events and circumstances leading up to and culminating in her firing. I provided

a brief summary of what occurred at the March 13 board meeting and am compelled to offer further details here of what lead up to the firing for clarity's sake.

This event, as well as the continuing uncooperative behavior of the Clerk, are obstructing town operations, and they continue to create an extremely uncomfortable work environment at the Town Hall, sully the reputation of the Town and the Town Board, and most importantly, defame the reputation of former Deputy Clerk Townsend.

On March 5 the Town Board made several decisions to increase oversight of financial records of the Clerk's office based on growing concerns listed below, and at the strong recommendation of the NYS Comptroller's Office. Ms. Townsend participated in our discussion from her observations as Deputy Clerk and took minutes of the meeting as the recording secretary. Clerk Harrington-Lawson had not been at the town hall since January 29 without notice to myself or the board; as of March 5, her email auto-reply stated that she was out indefinitely and that Jessica Townsend was the acting clerk. Our concerns were based on these observations:

- Five months of overdue monthly Clerk's Reports (monthly reconciliations with bank accounts) to the Supervisor.
- The Clerk's cancellation of her appearance for Town Annual Audit of Department financial operations on January 26, her cancellation of appearance for a rescheduled Annual Audit for the Clerk's office on February 10, and subsequent failure to respond to written and verbal requests from the Supervisor to reschedule the 2019 Annual Audit of the Clerk's Office.
- Unacknowledged charges on the Clerk's Town credit card and discrepancies between charges and merchandise received.
- Fluctuation in petty cash funds and lack of financial controls.

The decisions we made were to:

- Provide two lockable cash boxes, one for the Clerk and one for the Deputy Clerk, to be managed independently with a receipts ledger. We drafted a Petty Cash Policy.
- Schedule an independent audit of the Clerk's office, either by the NYS Office of the Comptroller or by a CPA.
- Appoint Deputy Clerk Townsend as the Town's Records Access Officer in order to facilitate the completion of a request for information (FOIL) from January 3, and to provide clarity for timely completion of FOIL requests going forward.

The following day, March 6, Deputy Clerk Townsend audited the petty cash at the end of the work day and reported to me that was now down by \$109.13; it had previously been down by \$9.13. She was visibly upset. I watched her recount the bills and change in the cash drawer; there was no note or ledger explaining the disappearance of \$100. Ms. Townsend, I believe understandably, felt vulnerable as the sole acting Clerk and wanted to document the loss of petty cash. We moved the remaining petty cash to a zippered bank deposit pouch and locked it, along with un-deposited tax payments, in a locked cabinet in my office.

The next day, March 7, Ms. Townsend notified the Town Board, the Clerk, and the Town Attorney of the loss by email. No follow-up information or clarification was offered by the Clerk. I had the locks changed on the town offices and notified the Town Board and Clerk by email, stating that I had keys for each of them, and that we would soon be converting the outer office door to a keyless digital lock. Key changes at the Town Hall were overdue, and a keyless system would provide increased security and easier "key" management. This decision was made in consultation with Deputy Clerk Townsend and Code Officer Greenhouse, the two other town offices involved. I provided both the Clerk's Office and Code Enforcement Office keys. Because Ms. Townsend had to leave before the lock change was completed

that day, I emailed her a notice later that day of where her keys could be found when she arrived at the Town Hall the next day. I had also ordered the digital lock and a security camera for the Town Hall.

We also proceeded to backup town computers to a town hard drive. This had previously been discussed and is a recommended security measure. Mr. Greenhouse helped with backup of town computers, with the exception of the Deputy Clerk's because of time constraints. The Clerk's computer was backed up with the oversight of Ms. Townsend.

On Friday, March 8, at my urging, Ms. Townsend proceeded to initiate processing of accumulated tax payments that had not been processed by the Clerk. In phone conversation, the Clerk declined to provide Ms. Townsend the password for access to the tax software program (BAS) and told her that she could work with BAS to figure something out. Ms. Townsend called BAS to discuss how she could obtain access to the software and they discussed a couple of options. The BAS representative told Ms. Townsend that she would get back to her, but that did not happen before the end of the Friday workday; Ms. Townsend intended to follow up on Monday.

Deputy Clerk Townsend informed me that on Saturday, March 9, she opened the Clerk's Office for Saturday morning hours, 9 am - 12 pm. At about 9:30 am Clerk Harrington-Lawson arrived with two senior clerks from the Town of Ithaca, Paulette Rosa and Debra De Augustine. Ms. Townsend reported that the three clerks proceeded to scold her and she was soon dismissed and told to leave the premises by the Clerk. Ms. Harrington-Lawson then texted her that she was fired. Later that morning, Ms. Townsend notified me of activity on her Town email account. I proceeded to the Town Hall and asked Councilmember Snow to join me. My wife, Ann, also accompanied me. At the Town Hall we were met with the specter of the three clerks attempting to relocate the contents of the Clerk's office to the home of Ms. Harrington Lawson. They had actually called in a New York State Policeman to witness this relocation. The premise for the relocation was the claim that the Supervisor had locked the Clerk out of her office at the Town Hall. The facts speak otherwise, and I will note that I never received a call or any other communication to help resolve this. Instead, it was determined to relocate town property outside of the Town Hall without notice or approval of the Town Board. Ms. Rosa did all of the speaking and was confrontational and rude. The whole episode is concerning in many respects. I wish to discuss with the board how we should handle this.

A baseless claim has been unilaterally made by Clerk Harrington-Lawson that there has been a "security breach" at the town hall in regard to computer contents, and that passwords on her computer were changed. Neither of these claims is true. Ms. Harrington-Lawson did not contact me or our IT professionals to evaluate her concerns. After her email I have contacted the Computing Center and BAS to confirm that passwords have not been changed (attached). Ms. Townsend reported to Ms. Harrington-Lawson that none of the passwords were changed from when she was hired as Deputy Clerk. Continued promulgation of such claims will be in violation of the Town's Personnel Policy, Section 405 (Prohibited Conduct - see Making False Statements).

I regret airing these details of recent life at the Town Hall, but I feel that is it necessary given the tightness of our community and the potential for misinformation to spread. What I find most troubling is the sudden dismissal of Deputy Clerk Townsend, who has been ably shouldering the vast majority of Clerk's office functions for the past year, a few days after she participated in a board discussion about perceived problems in the Clerk's office. It is also extremely troubling that the Clerk materialized at the Town Hall with two accomplices at a time when she knew Deputy Clerk Townsend would be the only

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person at the Town Hall and then proceeded to attempt to remove town property to her home. She, as well as the experienced clerks from the Town of Ithaca, should have known that this was improper.

I would like it on record that I condemn the firing of Jessica Townsend as Deputy Clerk.

Irene Weiser, Councilmember – None

Tim Murray, Councilmember – None

John Fracchia, Councilmember – None

Cal Snow, Councilmember – None

Dan Klein, County Representative Report – None

### **Discussion and Action Topics**

Deputy Clerk change discussion. Jessica Townsend was fired a week ago Saturday. With that change there's been a change of deputy clerk. The town has the authority to set the wage rate for the deputy clerk.

Mr. Witmer read statement of Supervisor comments.

Audit for Town Clerk office scheduled for Thursday & Friday of this week.

Town Board's job to establish budget and pay rate for deputy clerk

Discussion of [Employee Handbook Updates](#)

Review of [Climate Smart Resiliency Plan for Caroline](#)

Discussion to add Armed Services Flag or a clause making it permissible to petition the Board with regard to any additional flags

Junk clean up last week of April coincides with Watershed trash pick-up back to back

### **Resolutions:**

Resolved, the Caroline Town Board agrees to the following

### **Resolution 76 of 2019 Adoption of Town of Caroline Flag and Banner Policy**

Vote on [Caroline Flag Policy](#) motion made by Councilmember Murray and seconded by Councilmember Fracchia.

Whereas, interest has been expressed in displaying flags at the Town Hall other than the U.S. Flag and MIA/POW Flags currently displayed; and

Whereas, the Town Board sought to develop reasonable guidelines as to the display of additional flags on Town property, including defining what kinds of flags may be flown, as well as where, when, and how long; and

Whereas, the Town convened a volunteer committee (Flag Committee) of residents interested in providing input and guidance to the Town on the form of such a policy; and

Whereas, the Flag Committee conducted research on such policies and proposed a draft Town of Caroline Flag and Banner Policy in January 2019; and

Whereas, the Town Board has reviewed, modified, and endorsed the proposed Flag Policy; therefore be it

Resolved, the Caroline Town Board adopts the Town of Caroline Flag and Banner Policy; and further be it

Resolved, the Caroline Town Board expresses gratitude to Flag Committee members Kathy Mix, Mike Moran, Bob Spaulding, Rebecca Schillenback, and Megan Barber for their efforts.

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 77 of 2019 Termination of Town Hall Bioretention and Parking Project Bid Process**

Motion made by Mr. Witmer and seconded by Councilmember Fracchia.

Whereas, the Town Board has reexamined the bids submitted for the Town Hall Bioretention and Parking Project; and

Whereas, the Supervisor, Highway Superintendent, and Engineer (T.G. Miller) have conferred and concluded that it is in the Town's best interests and within their ability to complete the project with Town Forces; therefore be it

Resolved, the Caroline Town board hereby terminates the Town Hall Bioretention and Parking Project bid process; and further be it

Resolved, any subcontracted work shall be subject to Prevailing Wage Rates; and further be it

Resolved, the Town shall complete the project in 2019.

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 78 of 2019 Completion of Town Board Annual Audit of the Town Court**

Motion made by Mr. Witmer Seconded Tim Murray.

Whereas, the financial records and dockets of the Caroline Town Court (Court Clerk Kirstine Armstrong and Justice Gary Reinbolt present) were audited by the Town Board (Supervisor Mark Witmer,

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Councilmembers, John Fracchia, Irene Weiser, and Tim Murray present) on January 26, 2019, 9-10 am; and

Whereas, the Annual Checklist for Review of Justice Court Records provided by the NYS Office of the State Comptroller was completed during the audit; and

Whereas, the records of the Town Court were examined and found to be in good order, and fines collected were found to be properly transferred to the Supervisor in a timely manner; therefore be it

Resolved, the Caroline Town Board finds that the fiscal operations of the Caroline Town Court are being properly administered; and

Further Resolved, this resolution and the checklist shall be submitted to the NYS Unified Court System.

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 79 of 2019 Completion of Town Board Annual Audit of the Supervisor and Bookkeeper**

Motion made by Mr. Witmer and Seconded by Councilmember Fracchia.

Whereas, the financial records and dockets of the Caroline Supervisor and Bookkeeper (Supervisor Mark Witmer and Bookkeeper Stephanie Mulinos present) were audited by the Town Board (Councilmembers, John Fracchia, Irene Weiser, and Tim Murray present) on January 26, 2019, 9-10 am; and

Whereas, the Annual Checklist for Review of the Chief Fiscal Officer provided by the NYS Office of the State Comptroller was completed during the audit; and

Whereas, the records and procedures of the Supervisor and Bookkeeper were examined and found to be in order; therefore be it

Resolved, the Caroline Town Board finds that the fiscal operations of the Caroline Supervisor's Office are being properly administered.

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 80 of 2019 Appointment of Town's Review Board as Review Agency for Projects Subject to Local Law #2 of 1998 (Telecommunications Tower Siting)**

Motion made by Mr. Witmer and Seconded by Councilmember Fracchia.

Whereas, the Town's Review Board is charged with reviewing projects subject to the Town's land use and siting laws; and

Whereas, Local Law #2 of 1998, A Local Law Regulating the Siting of Telecommunications Towers, Antennae and Related Facilities grants the Town of Caroline authority over the placement, construction, and modification of telecommunications towers; therefore be it

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Resolved, the Caroline Town Board hereby charges the Review Board with review authority over projects subject to this law.

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 81 of 2019 Approval of the Agreement (Section 284) for Expenditure of Highway Moneys**

Motion made by Mr. Witmer and Seconded by Councilmember Murray.

Whereas, the Highway Superintendent has submitted to the Caroline Town Board an Agreement for Expenditure of Highway Moneys for 2019; and

Whereas, the Caroline Town Board has reviewed the proposal for highway improvements; therefore be it

Resolved, the Caroline Town Board hereby approves this highway expenditure request.

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 82 of 2019 General Fund Abstract**

A motion was made by Mark Witmer and seconded by Councilmember Fracchia to approve payment for the General Fund voucher number 54 through 70, 72, 74 through 76 & 101 for \$10,666.15

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 83 of 2019 Highway Fund Abstract**

A motion was made by Mark Witmer and seconded by Councilmember Snow to approve payment for the Highway Fund voucher number 33 through 40 & 42 through 53 for \$80,539.45

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 84 of 2019 Streetlight Fund Abstract**

A motion was made by Mark Witmer and seconded by Councilmember Murray to approve payment for the Streetlight Fund voucher number 4 for \$511.83

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

**Resolution 85 of 2019 Fire Protection Fund Abstract**

A motion was made by Mark Witmer and seconded by Councilmember Murray to approve payment for the Fire Protection District Fund voucher number 1 through 2 for \$75,893.00

Adopted: Witmer: Aye; Fracchia: Aye; Murray: Aye; Snow: Aye

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A motion to move to executive session made by Mark Witmer, seconded by Councilmember Murray to discuss personnel matters at 8:19 p.m.

The meeting adjourned on a motion by Mark Witmer and seconded by Councilmember Fracchia at 9:40 p.m.

----Adjourn----

Respectfully Submitted,

Becky Jordan, Deputy Town Clerk