

Caroline Town Board Business Meeting Minutes of March 13, 2019

The meeting was called to order at 7 p.m. by Supervisor Witmer.

In Attendance: Mr. Witmer, Councilmembers Fracchia, Weiser, Murray, Snow, and Town Attorney Krogh. **Recording Secretary:** Paulette Rosa

Supervisor Witmer led the Pledge of Allegiance to the Flag.

Privilege-of -the-Floor: no comments

Supervisor's Report

Correspondence of Note

- Received February report from Code Officer Greenhouse. Attending training on Floodplain Management by NYSDEC in Oriskany, NY, 11-14 March. Inspections: 5; Permits: 3 (1 alteration, 2 ground-mount solar PV); Completions: 0.

Supervisor's Notes

- Attended Annual Meeting of Association of Towns with Clm. Snow, 18-20 February in NYC. Trainings attended: Employee Benefits, Town Audits, Weight Limits on Town Roads, Developing and Monitoring an Effective Budget, Developing a Fund Balance Policy, Aging in Place Planning. All 19 proposed Legislative Resolutions were unanimously adopted. I propose that we develop a Fund Balance Policy to help guide our budgeting process.
- Working with NYSDEC to clarify project details for Ekroos Road/Boyer Creek.
- Planning Board, 3 March: Jonathan Bates spoke about incorporating Green Infrastructure Planning into the Town's Comprehensive Plan revision.
- Watershed Committee, 12 March: reviewed Natural Resources Inventory from CCE.
- Energy Independent Caroline: John Reed, Steve Nicholson, and I attended Cornell Environmental Psychology class on March 1 to talk with students about our Clean Energy Communities project. We are working on Project Description and Energy-saving Metrics for LED Streetlight Conversion and Brighten-up Project.
- On Thursday, March 7, as a precaution, I changed door locks on business office doors at the Town Hall because of an unaccounted loss of \$100 from petty cash. I provided keys to Deputy Clerk Townsend who at this time was the acting clerk and Code Officer Greenhouse, and I notified the Clerk and Councilmembers by email of the change and that I had keys for them. A change of locks as a security measure was overdue. On Saturday, March 9, during regular Saturday morning Town Hall business hours being staffed by Ms. Townsend, who was alone at the Town Hall, Ms. Harrington-Lawson and two clerks from the Town of Ithaca arrived. Ms. Townsend was soon sent home. The Clerk then terminated her and undertook to appoint a new Deputy Clerk. Subsequently, there was an attempt to relocate the Town Clerk's office to the home of Ms. Harrington-Lawson on the premise that she had been locked out of the Town Hall. I then arrived and stated that town property should not leave the Town Hall. A New York State Trooper, apparently called in to witness the relocation of the Clerk's office, then also determined that no town property should be removed. This was soon confirmed by our Town Attorney. I provided additional keys to the Clerk's office.

Brooke Greenhouse, Code Officer - report in Correspondence Folder

Marilou Harrington-Lawson, Town Clerk - Report on Events of March 9, 2019

- Marilou Harrington-Lawson, Paulette Rosa, and Deb DeAugustine arrived at approximately 9:30 a.m.
- Jessie was already in the office with the petty cash on her desk. Her explanation was that it was short \$108. Marilou reminded her that she had taken \$100 to the bank to get change and that she had left a note in the bag, as she usually does, with this information. The note was missing from the bag. The town board discussed with the deputy filing a police report regarding the discrepancy in the petty cash. A crime was going to be reported before anyone even spoke with the town clerk!
- Jessie said that the town board had passed a resolution to change the locks on Tuesday.
- Marilou told Jessie to take the day off and go home.
- Paulette began reviewing documents and emails on the deputy town clerk's computer and found that emails had been sent saying the locks had been changed already and telling Jessie where to find the key. Marilou checked to see if her keys worked and found that the locks indeed had already been changed. Since Jessie had let herself into the clerk's office before anyone else had arrived, she had obviously already been given the keys, and the clerk had been locked out of her own office.
- In light of the evidence that Jessie had lied to her, Marilou called her to tell her that her employment was terminated, effective immediately. Jessie did not answer the phone, so Marilou left a message. She will follow up with a certified letter. The deputy clerk serves at the pleasure of the town clerk, not the town board.
- Marilou deputized Paulette Rosa as deputy town clerk
- Police were called upon advice of counsel.
- The petty cash drawer was balanced, and a State Trooper verified the petty cash in front of the witnesses. The deficiency is \$9.62.
- The town clerk decided to move her office to her residence and began packing necessary records for day-to-day functions of the office, again upon advice of counsel.
- Mark Witmer and Cal Snow arrived. Paulette called the trooper back.
- Paulette told Mr. Witmer that she had been deputized after Jessie was let go, to which he responded he didn't know. He gave keys to Paulette for Marilou's office, refused to give her his copy of the key to the clerk's office. There is no reason for the supervisor to have access to the clerk's office. Anything he wants, he can go through the proper channel and ask for.
- All tax payments collected were posted and will be deposited.
- After lengthy discussions with the police and Mr. Witmer, who was on the phone with Guy Krogh, we were advised not to leave with any physical items belonging to the town. Concerns were raised about the possibility of town board members or anyone changing accounting records and their ability to reset passwords via the internet provider and cloud storage provider. Mark told Paulette that Guy was willing to talk to Marilou and that he was waiting for her call, but the phone number Mark provided was for Guy's office and the call was not answered. Paulette left Guy a message, he did not return the call.
- We made the decision to put a deadbolt on the storage vault to which only the Town Clerk, who is the custodian of town records by law, will have access. Petty cash will be stored in the vault. Below is the text from the Town Clerk Manual regarding access to the records vault:

- “The next issue to be considered is that of who controls access to the town records vault. The duty to provide for the safekeeping of town records and the authority implied therefrom to designate the location of the town clerk’s office does not allow the members of the town board to remove from the town clerk’s custody records required by section 30 of the Town Law to be kept by the town clerk in the town clerk’s office. (27 Op. St Comp. 159) The town clerk has absolute control over access to records and neither the members of the town board, nor any other town officers, are entitled to have the keys to the town vault. (Op. St. Comp. No. 78- 147) Moreover, public records may not be removed from the clerk’s office by anyone except for repair, restoration or necessary reproduction or upon demand by a court. (Op. St. Comp. No. 73- 367) Other than for these purposes, a town clerk may not permit records under his or her custody to be removed from his or her office.”
- The town clerk cannot access the deputy clerk’s computer since it has been password protected. She needs access to this password as soon as possible. Certain files must be open on this computer for the town clerk’s software to function.

Discussion by Town Board:

The town board raised the point that by New York State Public Officers Law the Deputy Clerk is required to be a town resident. After brief discussion the board unanimously agreed that the town should comply and so Ms. Rosa immediately stepped down in serving as Deputy Clerk and recorder for the meeting.

Informed that vouchers had not been prepared by Clerk Harrington-Lawson for the Business Meeting and that this would need to be done before March bills could be paid, the town board unanimously agreed to hold an additional March business meeting on March 19 at 7 pm to pay town bills and complete other town business.

The meeting adjourned on a motion by Supervisor Witmer.

Respectfully Submitted,

Becky Jordan, Deputy Clerk