

January 25, 2006

The Town Council meeting was called to order by Heidi Rogers at the Benjamin Eddy Building at 6 South Killingly Road, Foster, RI at 11:00 a.m.

The following members were present:

Heidi Rogers, President
Steven Bellucci, Vice President
Colette J. Matarese
Ralph Berkowitz
Harold R. Shippee, Sr.
Bradford Gorham, representing Town Solicitors Gorham &
Gorham Incorporated, Town Solicitors

The Pledge of Allegiance to the Flag was recited.

Steven Bellucci moved Ralph seconded to go into executive session according to RIGL 42-46-5 (a) (1) job performance town treasurer discussion/and/or action.

Heidi Rogers explained to Jonathan Mitchell that he had a choice for open or closed session.

Mr. Mitchell indicated that he wanted open session.

Council member Ralph Berkowitz reported to the council that he had a meeting with Jonathan Mitchell and that he had asked him questions. Mr. Berkowitz noted that he did ask him how he worked with the department heads, the people in the town, how many meetings he has with the town officials, the department heads, how he is working relationship with the deputy treasurer, what he feels is necessary that the town should go forward in the future of the town. Councilor Berkowitz said he asked if the Department Heads needed more information did he get it right away or did they have to wait for it. Mr. Berkowitz said he asked about budgets, if anything was missing from their budgets. Mr. Berkowitz said he asked him an array of questions and going through all that and then through the investigations he looked into there are 8 or 9 of these things that should be addressed.

Mr. Berkowitz said that,

1. The expenditure reports are not up to date and every time there is a town council meeting they receive an expenditure report but they are not up to date. Ralph Berkowitz said that in the past the town treasurer had the expenditures up to date. Mr. Berkowitz noted that for the last two to three months the expenditure reports have never been up to date. Mr. Berkowitz said he does not know what the department heads are spending and he does not know how much money is left in the line item so he cannot justify paying the bills how the bills are paid or anything else. Ralph Berkowitz said that the bottom line the town council should know exactly how much money these department heads have spent so far so at budget hearings it will show a need for more money or there isn't a need for more money.

Mr. Berkowitz said that,

2. No communication with other department heads. Mr. Berkowitz said that it was not all department heads, numerous department heads, mostly Public Works, Police Department, Treasurer's Department, Deputy Treasurer. Council member Harold R. Shippee, Sr. commented that he does get along with the Police Department and they should be left out it. Mr. Shippee said he spoke with the Chief the other day. Council Member Colette J. Matarese said she spoke with the Chief on Monday and the Chief told her that he had no issues except for what the council already knows about the payroll mistakes and Jonathan Mitchell has been

addressing that. Ralph Berkowitz answered that he was told differently and to bad that he was not present because he would ask him point blank direct questions.

Mr. Berkowitz said that,

4. Numerous payroll errors. Colette J. Matarese remarked that he was only on 2.

Mr. Berkowitz said that,

3. No Communications those were the 3-4 that the department heads requested the biggest amount of money the town spends between public works and the police department you are talking about 1.3 million dollars in expenditures. Mr. Berkowitz said that basically the police department has told him many times that they have gone in to see Jonathan Mitchell and sometimes they don't get the information or he can't give them the information and they have to wait for a period of time. Mr. Berkowitz said that basically on grant money, grant money is a big thing because they get grant money and they want to know how much of the grant money has been allocated and spent. Councilor Matarese remarked that she again would say that with her conversation on Monday that is totally different from what she was told. Councilor Shippee said he also agreed with that and what Ralph Berkowitz is saying is all together different. Councilor Shippee said maybe you had this conversation with Mr. Gawel not Mr. Coyne. Council President Heidi Rogers said that she had conversations with the Chief too concerning mostly payroll issues and there were several. Colette J. Matarese answered exactly that was the Chief of Police said that there were payroll issues and those issues have been addressed by Mr. Mitchell in his suggestion of going to a different payroll service. Ralph Berkowitz said that if the Chief was here he would like to reiterate, ask him questions.

Jonathan Mitchell, Town Treasurer remarked that he has spoken with him too and that is not what he told him.

Ralph Berkowitz said he understands but he had a long talk with him many times. Ralph Berkowitz then said public works was trying to get information and he understands there is a personality difference and in every office there is always a personality difference but we all have to work together. Ralph Berkowitz said that there has been communications in there looking for information, there is emails and on these emails some of these times he is asked to wait a period 10 days. Ralph Berkowitz said when he needs the information he needs it right away not 10 days, 5 days, 3 days he has to get that information. Colette J. Matarese remarked that she also has copies of emails that Mr. Mitchell sent to the department of public works and the information that was being requested was not information that the Treasurer should be taking care of but information that was under the jurisdiction of the supervisor. Ralph Berkowitz answered they have a difference of opinion. Ralph Berkowitz said he spoke with the Deputy Treasurer and the communication is strained over there. Ralph Berkowitz remarked that she was doing some PO's which Jonathan says she is getting into that and other avenues are the IRS records and other material. Ralph Berkowitz remarked that Jonathan has in the past kept her out of the conversation when the Auditor comes in. Councilor Berkowitz said that she has a CPA and Jonathan does not have any accounting background normally anybody who has something to do with books the deputy should have been involved in every aspect of this. Harold R. Shippee, Sr. said it depends when the Deputy works because she has her own hours. Harold R. Shippee, Sr. said that everyone else has to work special hours but she does not have to do that. Ralph Berkowitz said that it was the Treasurer's decision and he was supposed to make sure that he tells that Deputy what the hours are and what entails the position and what the job is entitled to. Councilor Matarese commented that he is also supposed to tell her what she needs to work on and she is not supposed to tell him what she needs to work on. Councilor Berkowitz answered that so far it is the other way around.

Chief Robert E. Coyne arrived at the meeting and Councilor Berkowitz asked if he could ask him a few questions. Councilor Berkowitz said to the Chief that they have been telling him that you are satisfied with the operation of the Treasurer and that you have all the material, you have received all his material and he is up to date.

Jonathan Mitchell, Town Treasurer remarked that that was not what Ralph Berkowitz asked. Councilor Matarese also said that is not what you asked. Councilor Matarese said to the Chief of Police what was said was basically that Ralph Berkowitz said that the you had problems with the finance department and that you had multiple problems and little communication and that everything that you asked for was always late. Councilor Matarese said that what she had said was that she had spoken with him on Monday evening and that there were payroll issues and that was your major concern and that she said was that Jonathan Mitchell had already addressed it in one of his proposals and that you said nothing else to me and that you said everything else, the communication and everything was going okay and that you never brought it up.

Councilor Berkowitz remarked that he talked about grant money another issue.

Chief Coyne answered that he was not sure what the purpose of the questioning was but he can tell the council that the majority of the issues dealt with Paychex and errors that were made. Chief Coyne also noted that there were and probably still are some issues concerning the current lines in the budget respect to wages and salaries and to that nature. Chief Coyne said that the last one he had was 36 or 37%. Chief Coyne said that the other issue was with grant money and to go back to Councilor Matarese conversation he did not realize that she wanted a laundry list of issues and the most pressing issue at that time was the pay checks. Chief Coyne said that there has been concerns about grant money as to when it is received and the problem is the state does it electronically and once the money goes over there and you are talking months after and a lot of times it is for details like constructions and things of that nature and they are lumped all together so it all needs to be broken down and ciphered to where it goes and there is always a delay there. Chief Coyne that said in terms of salary and especially now when he mentioned it to Jonathan he was catching up and things were behind and that was essentially the issue.

Colette J. Matarese said that the grant money and money coming from the State she was accustomed to because they do not usually transfer it very often or timely basis.

Chief Coyne noted that very often they do lump two or three programs together and that has to be put in the proper places. Chief Coyne said what he was not aware of that it did not go back into his line item it goes into the general fund.

Councilor Matarese said exactly and that is in the Charter that anything that comes into the town goes into the general fund and it does not go into line items.

Chief Coyne remarked that you end with a line item that is a deficit but it really isn't a deficit because it is in the general fund to balance out. Chief Coyne noted that those were his summation of his issues.

Councilor Matarese asked Jonathan Mitchell that when it came to the payroll input and expenditure information was that his responsibility or did he delegate it to someone.

Jonathan Mitchell answered that he did delegate it to the Deputy Treasurer and she worked on catching it up and when she got as far as October she stopped. Mr. Mitchell informed the council that after he did instruct he said he gave Mr. Berkowitz a memo last week explaining that it was the Deputy Treasurer's responsibility and that she needed to update those and she had not done so. Mr.

Mitchell said that she did not do the payroll since October and had not prepared the warrants because she did not have enough time she said. Mr. Mitchell said so they did not get done. Mr. Mitchell explained that she did not show up for work the Tuesday of the day the warrants were due and he was told that she was not coming into work that Tuesday or Wednesday because she had things to do. Mr. Mitchell noted that the Deputy knew that he was under the gun to get the warrants done and PO's expended before 3:00 p.m. that day.

President Heidi Rogers questioned the Ambulance Corps. stipends. Jonathan Mitchell answered that they were on Lisa's desk and she was getting W-4's from the people that had not submitted W-4's and you cannot pay them without a W-4.

Councilmember Berkowitz said since the last meeting put everything in and you updated everything for the expenditure report. Jonathan Mitchell answered that in the memo he sent to Mr. Berkowitz that there was a problem with the expenditure report because the payroll was not updated since October. Mr. Mitchell said that it was her responsibility and she knows it is her responsibility but yet she works these crazy hours and she just decided not to show up and she knew there was a deadline. Mr. Mitchell said that he has an email from the previous week that stated as he mentioned before that gears had to be switched because there was a deadline.

Council President Rogers questioned Mr. Mitchell that he just gave her that responsibility and not back in October when he claims she didn't do the work.

Jonathan Mitchell answered no. Council President Rogers commented that he just said he sent her an email last week. Mr. Mitchell commented that she was supposed to be doing it as they go along. Council President Rogers asked if she was aware of that since day 1. Mr. Mitchell answered that of course she was. Mrs. Rogers asked if that was her job. Mr. Mitchell answered that she knew what her job was. Jonathan Mitchell noted that part of the last three weeks the Deputy was working on 1099 and 1099's only after he has instructed her and asked her politely to switch gears and to do some of the other stuff. Council President Rogers then said he should have been doing the 1099's because weren't they due by the end of the year, by January 31st. She asked who was going to do them. Mr. Mitchell tried to speak and Mrs. Rogers said she was asking him who was going to do them. Mr. Mitchell said they if he had to do them he would have had to do them. Mr. Mitchell said the point was that he gave her something he said that they have to multi-task in the job.

President Heidi Rogers said she understood that but if she wasn't going to do the 1099 then whose was going to do them. Mr. Mitchell said he would. Heidi Rogers said well she was doing them so would you be working on payroll warrants or does that just go by the wayside. Heidi Rogers asked whose responsibility was it to do the 1099's.

Councilor Matarese asked Mr. Mitchell if she ever came back to him and say that she could not do the 1099's and the expenditure reports.

Jonathan Mitchell said no that Lisa always was able to only do one thing and was not able to multi-task and that has been a problem that he has had as there are many many facets to do the job. Mr. Mitchell said that if he just sat and did 1099's for three weeks or the PO's sitting outside her desk. Mr. Mitchell said that she did the PO's from last time and has done the payroll entries before. He said that they were adults and she has this CPA she should know and does know to email verbal instructions on what she needs to be doing.

Councilmember Ralph Berkowitz said that the expenditure report has not changed in months. Jonathan Mitchell commented that Ralph Berkowitz was not hearing him. Ralph Berkowitz said he understood that he was telling him that she was responsible ok. Mr. Berkowitz said that he keeps on bringing it up at every council meeting the expenditure reports are not up to date. Mr. Berkowitz said

that if he keeps on asking or saying that they are not up to date that maybe Mr. Mitchell should take the bull by the horn and do the job. Mr. Mitchell said that he instructs his deputy and he does what he has to do to get the job done. Mr. Mitchell said that he was doing PO's that she is not doing.

President Rogers asked why he didn't instruct her to stop working on 1099's and do that. Jonathan Mitchell answered that he did. Mrs. Rogers answered you did. Mr. Mitchell again said that he did. Mrs. Rogers questioned if she refused. Jonathan Mitchell answered that she does just what she wants to do. He said she does exactly what she wants to do in that department and she stopped listening to him.

Jonathan Mitchell said that the other day Richard Grant came in and starting asking her questions about something , financial issues in the department and when he asked what it was all about she answered NOTHING. NOTHING. Mr. Mitchell said that it had something to do with a PO. Mr. Mitchell said that the expenditure gets updated when he enters the PO and the only thing that has not been updated correctly is the salary and she is in charge of inputting into the system and that is the bottom line. Jonathan Mitchell said that was stated in the memo to Ralph Berkowitz and then he did not pass the payroll warrant thinking it was an old payroll warrant when it was not an old payroll report the date was correct and the numbers were correct but you did not approve it. Ralph Berkowitz answered that at the meeting the numbers were not correct and he said he was not going to argue with him. Mr. Berkowitz said that in the packet the numbers did not match up with the payroll warrant, they did not match up. Jonathan Mitchell said that it was the first he was hearing about it and that was not brought up at the meeting. Mr. Berkowitz said that was why he denied it. He said he denied it because it was not up-to-date and if the payroll is up-to-date is ok. Ralph Berkowitz said when a payroll warrant comes in ok you got the police department, the public works you got the town employees, you got everybody paid and this thing was 12 something.

Jonathan Mitchell answered that was how far behind they were because Lisa has not done her job and that was his point. Jonathan Mitchell said that she hasn't done the payroll warrants.

Anne Irons Town Clerk remarked that the minutes that were approved at that meeting listed #23 from the previous meeting and that was #24.

Ralph Berkowitz said that

#4 Numerous payroll errors. Mr. Berkowitz said that he called up the payroll company himself and asked how the procedure was to, you know, who calls in the payroll, how it is calculated and how everything is done so this way there is no mistakes. He said that they came back and said that everything they had was on a tape recorder. Councilor Berkowitz said that Jonathan gives them the hours, the overtime, especially the police department because there are a lot of different kinds of overtime and stuff like that. Councilor Berkowitz said that at the end of the conversation there is a number at the end, a total and the total has to match both people, and both people means that the payroll company says that this bottom line shall be \$7,250 and his should say it is \$7,250 ok there can't be a mistake because if there was a mistake it could be pick it up right away and say listen the numbers are not correct lets go through the whole system again and find out where everything is. Mr. Berkowitz said the he was told that they knew of only 2 payroll errors and other than that they did not know anything about the other payroll errors. Ralph Berkowitz said that the town has had the payroll company for 12 to 15 years and there has never been a problem and the school department has never had a problem. Councilor Berkowitz said that all of sudden for the last 5, 6,7 weeks there are problems. Mr. Berkowitz said that he wanted to make sure so he asked that everything was on tape and he was told yes that everything was on tape because this way if there was a mistake you can always go back to the tape and see where the mistake was. Mr. Berkowitz was told that at the end of the conversation the bottom line has to match both and if it does not match both you have to go

through the payroll again and see where the correction has to be made. Mr. Berkowitz said that he was told that they did not know anything about all these mistakes. Jonathan Mitchell remarked that he did have them documented.

Heidi Rogers said that she too spoke with Annette after receiving the memo about changing payroll companies and in fact read the memo to her. Heidi Rogers said she asked why there were all those errors and asked if there was a change in staff. Mrs. Rogers said that she knew nothing and asked if there were errors how were they being fixed and Annette said she had no idea because Jonathan did not advise her of the errors. Mrs. Rogers said that at the meeting where the payroll company was discussed Mr. Mitchell indicated that he had spoken with the payroll company twice a week and all they did was offer an apology. Heidi Rogers said that Annette did not apologize because she never knew about the errors. Jonathan Mitchell answered that that was not true. Heidi Rogers said that it was absolutely true. Jonathan Mitchell said to Heidi Rogers so you will believe her. Mrs. Rogers answered that yes she did because she had been dealing with this town and the school for many many years. Heidi Rogers noted that someone from Maine even called Annette after she read the article in the newspaper. President Heidi Rogers said that now Annette was worried about her job and her supervisor also contacted her to find out why she was making mistakes.

Jonathan Mitchell said that he has spoken with Annette ever since then and there still has been a couple of mistakes and they were straightened out. Heidi Rogers said that she knew there was a mistake last week where somebody on the DPW had 8 hours and that was your mistake and that was the very first one you called her about and asked for a new check. Jonathan Mitchell answered yes. He said that he has made mistakes and would admit that. Heidi Rogers said that the procedure for all mistakes was to call the payroll company and have a new check issued and that was never done. She said that instead and going back through payroll warrants she found lines on the warrants where there are no hours but there is a dollar amount. Heidi Rogers said so it wasn't in there it was just a dollar amount so the mistake was just carried over to the following week. Heidi Rogers said that she did speak with Annette about all of those.

Colette J. Matarese asked Mr. Mitchell if he did have documentation. Jonathan Mitchell said that he did and in fact there was one employee specifically that he called in \$132 and change and the number came back \$1732 and change. He said the person was overpaid and it took a while to fix it because Paychex had problems fixing it but it was done. Jonathan Mitchell said that every time there has been an error in the payroll the person came to him and he should them what was exactly called in, exactly what was on the time sheet and what Paychex paid. Mr. Mitchell said that there is no time for him to doctor anything, there is no time for him to make up anything because the person comes right into his office. Jonathan Mitchell said that if he made the mistake he tells the person he did. Jonathan Mitchell said that he had issues with Mr. Grant filling out his payroll reports; he said that he has numerous, numerous occasions where he filled them out incorrectly such as where he gave someone 34 hours instead of 40 and where he didn't pay people. Mr. Mitchell said that the payroll errors need to be examined a little closer before he is hung out to dry.

Heidi Rogers asked how they were corrected if the payroll company was not aware of them as they knew of all two errors. She said that Jonathan Mitchell explained that every week that was the procedure and the payroll company was not aware of it and she asked how it was being fixed. Heidi Rogers also said why he was blaming the payroll company when they were not even aware of it. Jonathan Mitchell said that Annette was made aware of it on two or three occasions. President Heidi Rogers said she made her aware of it. Jonathan Mitchell asked what she meant by that. Heidi Rogers said that when she called her and told her that the town had payroll errors for weeks and weeks and they were very careless in doing the payroll and that was the first time she had become aware of it. Jonathan Mitchell said that it was not true.

Ralph Berkowitz said that he had the same conversation because he asked if they had new people and she had no idea and on one error there was a new person and they admitted to that but the other ones she did not know what they were talking about.

Jonathan Mitchell said that he did have documentation to show the errors and where they originated from whether it be....

Heidi Rogers said that she spoke with the school and they hadn't had any.

Jonathan Mitchell answered that that did not mean anything to him.

Ralph Berkowitz questioned that when the payroll is done and most of the people have direct deposit and the town gets documentation that the money has been transferred does Jonathan check it out to see if there is any mistakes.

Jonathan Mitchell responded that he does do that and if there was a problem he would sit down with the person the next day and talk it over on how it would be corrected and show documentation of what was called in, what the treasurer's office did and what was on the time sheet and what was actually done.

Ralph Berkowitz asked what would happen if the "guy" says I'm keeping the money. He then said to Mr. Mitchell that he was not the one that makes the initial phone call and say that he made the mistake and come into the office.

Jonathan Mitchell said that when it has happened he trusts that certain people by virtue of their positions in the town would not do that. He said he would catch it eventually on a warrant or when he does the payroll.

Heidi Rogers said that Annette told her that Mr. Mitchell does not go over the numbers and does not pay attention to detail. She said that those were the words from Annette.

Jonathan Mitchell said that he does pay attention to details and if there were errors he does catch them the next day or when the person makes him aware of it. He said he fixes the problems, he fixes the issues.

Ralph Berkowitz said that

5. Concealing payroll errors. Ralph Berkowitz said that he talked with a few people and he was told that people were told not discuss the problem that you would handle it. Jonathan Mitchell asked him to repeat what he was saying. Ralph Berkowitz said that on concealing payroll errors some of these people, two people, one was the Deputy and he had a conversation with the Deputy Treasurer. He said he has documentation that he told her not to say anything and now there was another individual that Mr. Mitchell told not to say anything. Mr. Mitchell remarked that that was 100% false. Jonathan Mitchell said what he said to her was that the purpose of the warrant is not to identified mistakes in a payroll the purpose of the warrant is to identified what was paid. Mr. Mitchell said that on the next warrant if there was an issue it would have been corrected. He explained that there is a foot note on the bottom and when that one person was paid \$1700 instead of \$132.00 there is usually a footnote it is not meant to be paid in error, paid at the wrong rate whatever. He said that if it was paid at the wrong rate it was a Paychex error.

Ralph Berkowitz commented that the council should know that there were errors in there.

Colette J. Matarese said that she has spoken with Jonathan Mitchell and he has always been upfront with her and told her when there were payroll errors and even told her about the \$1700 error and others. She said that if Mr. Berkowitz wants a written report that is what he should be asking and not to have something on the

warrant which is meant to be the expenditures and not a record of records. Mrs. Matarese said that if you want a report on all the records that is what you need to tell him.

Jonathan Mitchell asked Ralph Berkowitz if he knew about these issues why didn't he communicate them to him and he only had seen Ralph Berkowitz once since September. He again asked Mr. Berkowitz why he did not contact him and tell him he had a concern.

Jonathan Mitchell said that Ralph Berkowitz did call once and when he returned the call Mr. Berkowitz was unavailable. Heidi Rogers asked if they ever met. Jonathan Mitchell answered no he left the message and Ralph Berkowitz never go back to him. Mr. Mitchell said he returns every phone call he gets and if a person does not call him back that is fine. Mr. Mitchell noted that Mr. Berkowitz knows how to get in touch with him as he has his work number, his home phone and his cell number.

Mr. Berkowitz denied knowing the phone numbers.

Councilmember Harold R. Shippee, Sr. said that the matter had gone too far. He asked why didn't Mr. Berkowitz go into Jonathan Mitchell's office between September and December and talk with him.

Ralph Berkowitz answered that he spoke with Jonathan Mitchell at town council meetings. Harold R. Shippee, Sr. said he wasn't talking about council meetings why didn't he go into the office talk with him.

Steven Bellucci said that the \$1700 error on the individual told him Mr. Mitchell asked him to keep it quiet and not to let the council know about it. Jonathan Mitchell answered that that was not true. Steven Bellucci said he was told by the individual that Mr. Mitchell would take care of it down road and to please not let it get any further and that you did not want the council to know about it.

Jonathan Mitchell said that was wrong and it was a personnel issue. Mr. Bellucci said it sounds like cover up to him and he did not like that. Mr. Mitchell answered the issue was fixed. Colette J. Matarese remarked that she was told the next day about the matter. Steven Bellucci said the person was in the room now and he would ask about it.

Lt. Eric Rollinson of the Foster Police Department said that he was put in charge of the payroll problems in the police department. He noted that he spoke to Jonathan Mitchell about all the problems and reference to his issue it was resolved. He said he called over there and spoke with Pamela Fontaine and she asked if she could help and it just exploded from there. Lt. Rollinson said that he had a conversation with Jonathan Mitchell and he said to him that any payroll issues that he had to contact him directly and not to ...keep in house between and he told him that he would still have to notify the Chief of any problems or issues that arise and the Chief should be made aware of as well.

Colette J. Matarese said what she was hearing was not keep it from the council keep it from the Chief it was basically if you called my office talk with me don't talk with other employees.

Lt. Eric Rollinson said that when Jonathan Mitchell said keep it between us he was uncomfortable keeping in between him and I and that is when I told him I would have to notify the Chief because it was his department.

Colette J. Matarese inquired what his response to that was.

Lt. Rollinson said that he had no problem with that.

Colette J. Matarese said right and she would have interpreted it differently; that he was saying if you called my office with a payroll problem don't talk with other staff come directly to me and to keep it in house that way, and not don't tell the council and don't tell the Chief.

Lt. Rollinson remarked that the town council was never brought up he only said keep it between him and I.

Jonathan Mitchell remarked that he had no problem with him going to the Chief because he would want him involved to make sure the things get corrected. He said he wants two sets of eyes. Jonathan Mitchell said that the reason he told him not to tell the tax collector because the tax collector has had it out for him since he has gotten there and she would do anything possible to trip him up. He again said that she would do anything possible to plot against him. He noted that she has not said a word to him in four months and I am her supervisor and she doesn't listen to what I ask her to do either.

Ralph Berkowitz said that:

6. Failure to keep the department heads up to date on expenditure. Ralph Berkowitz that he looked into expenditure reports and he had a talk with the Public Works Director and Chief of Police and he had budget hearings coming up and he still doesn't have and he notified them and said did you go to him and see if it was updated and he did receive an updated expenditure report but it wasn't updated. Ralph said that as a council meeting I have to know at every meeting that line item what they have expended and this way I know I can say what the reason is or anything.

Jonathan Mitchell said he agreed with Ralph Berkowitz on that totally but the Deputy Treasurer has been doing that and she chooses to work what she wants to work on and that is the simple answer.

Ralph Berkowitz commented that he was the Treasurer and nothing was being done. Ralph Berkowitz told him to roll up his sleeves and do it. Ralph Berkowitz said that is his job that the town doesn't spend more than we have to. He then pointed to the Chief and said if he keeps on going I don't know what he spent. Ralph Berkowitz said he does not know about the rest of the council but he wants to know each line item. He said he wants to ask the individual or anybody why he overspent the line item.

Jonathan Mitchell said that when the Chief Robert E. Coyne does come to him he does explain that some things are not updated and that is the salaries and it looks like we are going to talk about that all day. Jonathan Mitchell said to Ralph Berkowitz that he was going to the Deputy Treasurer who was insubordinate and asking her to do a review on him and he found that strange. Jonathan Mitchell said that Mr. Berkowitz was listening to everything that she says without going to him first.

Ralph Berkowitz denied that he asked for her opinion and said he went to the Chief of Police and the expenditure was not up to date on four items.

Jonathan Mitchell said that it would be a simple solution to come and talk with him if there was a problem.

Ralph Berkowitz commented that he explained to the Chief that there were budget hearings and he would be the first one all over him and he has to get it done.

Jonathan Mitchell said he agreed that it has to be done.

Heidi Rogers asked what it was going to take to get it done.

Jonathan Mitchell said it is going to take the Deputy Treasurer to roll up her sleeves.

Heidi Rogers said that so she is going to do the payroll, the 1099 and what else does she do. Jonathan Mitchell explained that it was in her job description.

Heidi Rogers asked what it was that Jonathan Mitchell does.

Jonathan Mitchell remarked that he was doing plenty. Heidi Rogers asked for an example as he is saying that he keeps saying that is Lisa's responsibility that is Lisa's responsibility, that is Lisa's responsibility and what is he doing on a daily basis.

Jonathan Mitchell said he does payroll. Heidi Rogers commented that he just said she did it. Jonathan Mitchell said he never said that. Colette Matarese explained that she puts into the system. Jonathan Mitchell noted that the Deputy does the payroll warrants. Jonathan Mitchell said he was working on the retirements presently and works on human resources issues ad nauseam and he spent a fortune of his time copying time sheets and researching things for Richard Grant. He said he also spend time correcting issues and problems that Mr. Grant makes. He said he has documentation on numerous purchase orders. Jonathan Mitchell explained that Richard Grant comes in and throws bills without purchase orders and says its his responsibility to do it.

Heidi Rogers said so you are responsibility for pensions and annuities. When Jonathan Mitchell answered yes Mrs. Rogers noted that the ING account has not been paid since June. Jonathan Mitchell said he was aware of that and had spoken with Tony Traversa and had gotten an updated ID. Heidi Rogers questioned why hadn't it been done since June. Jonathan Mitchell said that they had other priorities. Heidi Rogers said she believed that pensions and annuities were a big priority and she had spoken with James Scacolletti and his office did call the treasurers office last August and nothing has been done since January 18th. Heidi Rogers said she did ask about the interest on the peoples account and how was that going to get paid. Heidi Rogers said now the town has to pay that interest to the tune of 7% a month for the employees. Heidi Rogers said that it was a big booboo not paying pensions, not paying annuities and then the town and the taxpayers being responsible for that mistake and she believed it was a big mistake.

Jonathan Mitchell remarked that the employees' retirement system had to be updated also. Heidi Rogers said that he was made aware of the payments not being paid in August and nothing was done and now the town and the taxpayers have to pay interest to those people who did not have money in their funds and that was not fair and she again asked why was it not paid.

Jonathan Mitchell explained that there was an IRS audit was going on, the regular audit that was going on, the employees' retirement system needed to be updated, PO's, payroll, new employees coming on and retirements and things need to get done that are going on all the time. He said he does roll up his sleeves and does get things done.

Heidi Rogers noted that Malcolm Moore came into the office and did six months of bank statements and that was not work that Jonathan Mitchell had to do. She said she is still asking about the pensions and annuities as they are extremely important and that was not done and it is going to cost the taxpayers money. Jonathan Mitchell answered that it was the first time he had heard of that.

Colette J. Matarese noted that the retirements were not done and that was part of the payroll and paying the bills and the interim treasurer for a period of time that should have been paying the bills. Heidi Rogers said that she did pay ING. Colette J. Matarese noted that the state employees' retirement fund was not done and that had to be done from March. Colette J. Matarese said again that was bills that needed to be paid and there was one person in there and it also took forever to

allow him to get a deputy treasurer or allow him when he asked back in September or August that he need to out source the audit work and it took forever for him to be allowed to do it. Colette J. Matarese said to her that was part of the problem. Colette J. Matarese noted that the work was from the Treasurer's work from February 2005 and the Deputy Treasurer's work from March 2005 to do. Heidi Rogers noted that Malcolm Moore was paid to catch up. Colette J. Matarese noted that the audit was one piece. Heidi Rogers said that she believed it was a big problem when pensions don't get paid.

Ralph Berkowitz asked what was the discussion the council had with Jonathan Mitchell when he was interviewed. Ralph Berkowitz answered that it was what the job had contained. He said it was explained to him at that point what the job had to be done. Mr. Berkowitz said that Jonathan Mitchell had said it was not a problem he could do it. Mr. Berkowitz said the individual said he would roll up his sleeves and do whatever he had to do and do the job. Mr. Berkowitz said then Malcolm Moore was hired. Ralph Berkowitz asked what the Auditor said after he read Mr. Mitchell's resume. Colette J. Matarese said that the Auditor said that an accounting background would be beneficial and suggested that the Deputy Treasurer have accounting background which was done. Ralph Berkowitz said when Mr. Mitchell started the job he did absolutely nothing to get the audit done.

Jonathan Mitchell told Ralph Berkowitz that that was wrong. Ralph Berkowitz told Mr. Mitchell he had problems since day one and he tried to help him. Mr. Berkowitz said he asked him to do certain things and then asked the Auditor and the Auditor told him he did not think he could do it.

Jonathan Mitchell noted that there is a letter in the council packet from the Auditor commending him for on his performance on the audit.

Harold R. Shippee, Sr. said he remembers the interview and Ralph Berkowitz had very few words to say to him.

Colette J. Matarese also noted that it was said there was a new computer system there was a backlog of work but he was told that things were up to date and they were not. Ralph Berkowitz denied saying the town was up to date. Colette J. Matarese said to Ralph Berkowitz that he did say things were done. Colette J. Matarese said that he was given the impression that things were caught up, that the PO's were paid and everything and he found out that they were not. Colette J. Matarese said that Mr. Mitchell said that it was a new job and would do everything he could to do but there would be a learning curve. Colette J. Matarese noted that there was a learning curve to computers, learning curve for a new job and he was up front about that and he has been working very hard and doing a good job. Colette J. Matarese said that what Jonathan Mitchell needed was a staff that is working with him in order to do the job. Councilor Matarese said the other thing he needs is instead of going in and berating him or berating him at town council meeting is to tell him what you want. Colette J. Matarese said that when Ralph Berkowitz is saying all these things like failure to keep department heads up to date on expenditures you need to tell him what he needs to do, what you want. She said that if Ralph Berkowitz had a priority or something you say this is a priority because we all know in our day to day work businesses that these come up and you are doing things and you need to be given direction and Ralph Berkowitz you have never done that and neither has the council.

Ralph Berkowitz denied that and said he has told him at council meetings. Colette J. Matarese remarked that all Ralph Berkowitz has yelled about is the expenditure reports. Colette J. Matarese noted that Mr. Berkowitz has never sat down with him and said this is what I need. Ralph Berkowitz answered he has told him on expenditure reports and was told that he would get back to him and still they are not corrected

Ralph Berkowitz said that:

7. IRS Forms not knowledgeable and he did not believe that because he does not have the accounting background he is not too knowledgeable what has to be done.

Jonathan Mitchell questioned how many numbers he had. Ralph Berkowitz answered on that he had one. Ralph then said we already went through one.

Ralph Berkowitz said that:

8. Failure to include Deputy Treasurer in meeting with Auditor. Colette J. Matarese said that he already said that one.

Ralph Berkowitz said that:

9. and we already did no payment on the ING.

Ralph Berkowitz said that:

and probably the last one was bank reconciliations statements and he did not believe that they have been done for a few months.

Jonathan Mitchell said he has been asking the Tax Collector for the longest time to get the information on the transactions that were done in July and she has refused. He also noted that she does not answer his e-mails and does not answer his request.

Ralph Berkowitz remarked that when you get a bank statement you get it from the bank ok and you reconcile that bank statement just that statement. Jonathan Mitchell answered that when you have Three Hundred Thousand Dollars sitting on a bank statement and you do not know where to put it because you do not know what it is, whether it is tax receipts or whatever, you cannot just reconcile. Mr. Mitchell noted that he has gone through every single statement to make sure that every transaction on those statements is in the system but in order to completely reconcile them he needs the information from July. Mr. Mitchell said he has E-mails and he has asked her and she refuses to help him, refuses to help him. Jonathan Mitchell noted that other people on the council have said that to him and he was told that she was a big problem in the past. Mr. Mitchell noted that all she did was undermine him and does not help him get his job. Mr. Mitchell remarked that he is responsible for the tax collector's department and he finally got a copy of his first tax collector's report after asking for it because she has never given him a report. He noted that she has never given him an abatement report. He said that she keeps him out of the loop.

Harold R. Shippee, Sr. asked the council members if they were aware that Mrs. Fontaine had the highway department throw tax records out from the attic to a dumpster. Jonathan Mitchell informed the council that he was sitting at his desk and a pay loader came up to window and was lifting up to the second floor. He then saw boxes of tax records going out. He said he had to ask her to get approval from the state and she did go and get the approval later that day. Mr. Mitchell said he has no idea what went out. He reminded the council that he was her supervisor and should have known.

Jonathan Mitchell remarked that in a review process all department heads are asked questions, not just a selected few, the ones you think may have a beef with him or harassing him or antagonizing him or asking people who actually report to him. Jonathan Mitchell said to Ralph Berkowitz then he was supposed to sit down with him and go over the review, talk about it and discuss it and see what the issues might be. Jonathan Mitchell noted that he was the only one in the town that was reviewed. He asked if the other employee were going to be brought into executive session and be reviewed.

Heidi Rogers informed Mr. Mitchell that because there were so many issues and complaints they had to have an executive session. Mr. Mitchell thought that there was a fair way to do it and a logical way to do.

Colette J. Matarese remarked that in a review process there should be a form and somebody should know what they are being reviewed on. She said there should be a list. Colette J. Matarese stated that people should not be surprised at what they are being reviewed on. She said that they should be given the form, given the items that they are being reviewed on and they should be given the review before he should up at this meeting today so that he would have time to look at it and be able to respond.

Jonathan Mitchell said to Ralph Berkowitz that he had showed up at his office all nice as pie with a piece of paper and said oh let me ask you this and let me ask you this he had no plan, nothing was going on and nothing was written down and left by saying oh thanks for the info we will see you. Jonathan Mitchell said no appointment was made he just dropped in.

Heidi Rogers said that Ralph Berkowitz asked him about the bank reconciliations and asked if they were done. Jonathan Mitchell said that every single transaction that is on the bank statement was in the system, the bank statement was matched however he needed the information from July before he can go through and spend 15 minutes reconciling. Heidi Rogers asked why he need to get it from Pam wasn't that his department. Jonathan Mitchell explained that she had the records. Heidi Rogers told him that he has access to anything in that department. Jonathan Mitchell said he asked her to help he needed the information and she reports to him as the Tax Collector. Heidi Rogers said that it was her fault then that it was not done was that what he was saying. Jonathan Mitchell answered that she reports to him. Heidi Rogers again to Mr. Mitchell was it Pam's fault that these bank reconciliations are not done. Mr. Mitchell answered that he was not saying anything he was just saying.... Heidi Rogers said it sounded to her that he was. Mr. Mitchell answered okay he was saying it then, because he needed that information.

Heidi Rogers said what she was hearing that it was Lisa's fault that the payroll wasn't done it was not his fault but the payroll company's fault that....Jonathan Mitchell said he has said that he does make mistakes and he has made some mistakes with payroll. Heidi Rogers remarked that before he said it was the payroll company and that is why the town was going to switch so it's their fault. She then said Rick Grant picks on him and that is his fault. She said that the ING she never got a good reason except that there is a lot work to be done. Jonathan Mitchell remarked that there were priorities. Heidi Rogers said that she thought that was a priority. She said people should be paid and their pensions and annuities needed to be paid and now the taxpayers are going to being paying that. She said that it was interest that they should have been earning on their own money and now the we have to paid. Jonathan Mitchell said that he would have to find out about that because that was not what he was told. Heidi Rogers said to him that he should have found out about in back in August. Heidi Rogers noted that Darlene Weiss managed to pay it and she only worked a few hours. Jonathan Mitchell said that she didn't manage to update the employees' retirement system since last March. Heidi Rogers said that she did not know about that. Heidi Rogers said that it was his job and someone from the company called him and made him aware of it since last August and it is taking him until now...and the now because it wasn't done it is costing the town, we are paying that interest, taxpayers are going to pay the interest because those payments were not made. Heidi Rogers said she asked him what he did on a daily bases and he answered that he was in charge of pensions and not in charge of payroll warrants and entering the Po's so that was something that he should have been doing if all the other responsibilities have been assigned to another person and it hasn't been done.

Colette J. Matarese said that the liaison system should have been used and somebody should have sat down with Mr. Mitchell to look at all of the things that

needed to be done and sit down and prioritize and to come up with a prioritization. She said we all know we cannot do everything in this life. She said that it should have been submitted to the council for approval instead of now 5 months later trying to say that this was more important and that was important. Colette J. Matarese said that when Mr. Mitchell first came and met with her and Ralph Berkowitz had started out making a plan of prioritization. Councilor Matarese said that Ralph Berkowitz just looked at it and pushed it aside and it never came forward. Colette J. Matarese said that what should have been done was to have list of prioritization of things you want the employee to do and come before the full house because other council members may have other priorities for approval. She said then this would not have happened because the employee would know what the prioritization was especially for a new employee who was taking on a complex job. Colette J. Matarese said that is what should have been done and the council dropped the ball on that.

Heidi Rogers noted that there was a personnel policy, job descriptions and a charter that outlines what Mr. Mitchell's responsibilities are and she knew Colette J. Matarese was familiar with the documents. Heidi Rogers said that those things should have been.

Jonathan Mitchell remarked that it also outlines the responsibilities of the tax collector and the deputy treasurer and those jobs have not been done.

Heidi Rogers remarked that evaluations will have to be done for their jobs. She said that Jonathan Mitchell was here because of a number of issues and complaints.

Jonathan Mitchell remarked that it started out because there was a personality issue between him and Richard Grant. Heidi Rogers said she believed it started out because Mr. Bellucci, Mr. Grant and Mr. Berkowitz were going to sit down with him and just go over some not personality issues but job issues with your department that the DPW Director had. She said Mrs. Matarese or yourself did not feel comfortable with that so that meeting never took place. Heidi Rogers said now we are in executive session. Jonathan Mitchell remarked so it then turned in to all this. Heidi Rogers said that it was one thing but she did not know what the issues were.

Jonathan Mitchell asked what had he done that was good. Heidi Rogers told him to tell the council. Jonathan Mitchell answered that the council was evaluated him and they should tell him. Heidi Rogers said she was asking him and she did ask him what he did on a daily basis. Jonathan Mitchell said that it was his evaluation and he would like to know what he was doing that was good rather than having a witch hunt here and hearing everything that he has done negative and everything that is bad and he want to know what he has done good. He said that if they were doing an evaluation you bring up what is good and what is bad and what needs to be corrected and corrective action for it. Jonathan Mitchell said it was not screaming at him for 10 issues and not say you have done a good job at this or say you have done a good job at that. Jonathan Mitchell said that is what an evaluation is.

Ralph Berkowitz answered that he has not seen anything and what has gotten him upset was that when he was first hired he knew what the job was going to be about and that he would be hired on the last fiscal year's records. He said from day 1 he had a problem and the town had to hire someone else to do it. Ralph Berkowitz said he understands the audit is finished it is done. Ralph Berkowitz noted that it was a new fiscal year and so far he is still behind and we can't catch up or we will never catch up. Mr. Berkowitz said that he was blaming this individual and that individual and he knows that there is a million personalities over there but we do not live in a perfect world so sometimes and he said that he did have the discussion with Jonathan Mitchell that maybe we should sit down and you answered it was a great idea and you should be part of it. Mr. Berkowitz said he wanted to be part of when he wanted to talk with the Public Works but he then got Colette J. Matarese

involved. Ralph Berkowitz said that Colette J. Matarese called up Mrs. Rogers and said that he was having a meeting. Ralph Berkowitz said he just wanted to sit down and talk with him.

Jonathan Mitchell remarked that since the day he walked into the place Ralph Berkowitz had been after his throat. Ralph Berkowitz denied that.

Colette J. Matarese said that since Mr. Berkowitz brought up her name she would comment. She said she was very aware of the personnel policy. She noted that she talks with people and gets the information.

Harold R. Shippee, Sr. remarked that he has tried to speak with Mr. Grant but he turns his head the other way. Harold R. Shippee, Sr. noted that the six months that his son was out he never, never, never called him to see how he was and he almost died out on the road.

Jonathan Mitchell reported that he has been putting up with harassment ever since he got here and that is what it was, harassment. Jonathan Mitchell explained that he had a discussion with Richard Grant when he was nice to him and he asked him what he should do since he was new. Jonathan Mitchell said that Richard Grant told him that he should suck up to the republicans and do what they tell you to do. Jonathan Mitchell then said that Mrs. Fontaine was being a nasty individual to him and he extended an olive branch to her she said to him that she, Mike and Rick reached out to him but he chose to hang out with other people instead. Jonathan Mitchell said because he speaks with people that are nice to him that may be democrat he was being punished for it. Jonathan Mitchell said he does not care who was democrat or republican he did not care. He said he does not live in the town and did not care. Jonathan Mitchell reported that he and his wife had to go Boston last week because his wife was having some tests. Jonathan Mitchell said he was told that he had to get a doctor's note in order to take a day off.

Heidi Rogers denied that and said he asked for two days and she had no idea what he had of accrued time for sick, personal or any time and to cover his file to please get confirmation that he had an appointment. She then showed an envelope she had from Pamela Fontaine who has an appointment for her husband tomorrow and she was only going to be late. She said she told Pam that she wanted it because it was going to be credited to her comp time or her sick time. Heidi Rogers said that she had no record of what Jonathan Mitchell had accrued and he has had a number of sick days and other days which she did not know what they were for. Jonathan Mitchell said it was a sick day for his wife and Mrs. Rogers knew that. Heidi Rogers answered that it was not a sick day for him. Jonathan Mitchell explained that in the personnel policy if a member of you family is sick you may take a sick day. Jonathan Mitchell said to Mrs. Rogers that she specifically said to him that he needed a doctor's note and gave her fax number at work to him. Jonathan Mitchell said that Heidi Rogers called him a few days later and said that she did not receive the note. Jonathan Mitchell said that his wife should not have to provide a doctor's note. Mrs. Rogers said that she did not want a doctor's note she wanted a confirmation of the appointment. Heidi Rogers commented that obviously that he didn't want to produce it, couldn't produce it or whatever the reason. Jonathan Mitchell said that it was a HIPA violation. Heidi Rogers said that she did not asked for medical records and she was aware of HIPA. She said that a confirmation of an appointment is not a violation of HIPA as she is aware of HIPA.

Harold R. Shippee, Sr. remarked to Mr. Mitchell that he was 100% behind him and since August he has done a tremendous job for the town. He noted that Ralph Berkowitz is not in the office like he is at least twice of week.

Jonathan Mitchell noted that he handed letters of support out to the council members from town employees who say he is easy to work with and that he is doing a great job.

Colette J. Matarese remarked that there was a mention made of what Jonathan Mitchell has done correctly and she referred to the Town Charter saying that the specific powers are to cooperate with the town council in compiling the expenditures and revenues estimates for the budgets. She noted that Jonathan Mitchell was working very hard to do that. She went on to say that it says receive all fees, rents, funds, money receivable by the town from the state or federal government, the courts and any department, office or agency of the Town except as otherwise provided in this Charter or by law. Councilor Matarese commented that that has been done. She noted that the charter says, have custody of all public funds belonging to or under the control of the Town or any department, office or agency of the Town, and deposit all funds coming into his hands in such depositories as may be designated by the Town Council or, if no such designation shall be made in such depositories as he may choose, provided, however, that deposits in such depository are insured by an agency of the United States. All interest received on deposits shall be the property of the Town and shall be accounted for and credited to the proper accounts. Colette J. Matarese said that she has heard nothing that says that that has not been done. She continued to say that the Charter states have custody of all investments and invested funds of the Town or in the possession of the Town in a fiduciary capacity, and have the safekeeping of all bonds and notes of the Town and the receipt and delivery of Town bonds, and notes for transfer, registration or exchange. Colette J. Matarese said that again she has not heard that has not been done. Colette J. Matarese continued to read from the Town Charter saying exercise control over all expenditures by pre-auditing all bills, invoices, payrolls or other evidence of claims or charges against the Town and seeing that budget appropriations are not exceeded by disbursements in any department, office or agency of the Town. Councilor Matarese said that she knew Jonathan Mitchell goes over all the bills and sometimes he does not get the bills in the proper order or he gets them late. Mrs. Matarese said that if this was followed he should be getting the PO's prior to the expenditures being made. Councilor Matarese continued to read from the Charter saying pay out funds by check, such payments being made only after compliance with the provisions of the above paragraph and authorization by the Town Council. Colette J. Matarese noted that the payroll checks are made out and other checks are held until the council approves them. She continued on saying prescribe and maintain an accounting system for the Town and adopt and require standard accounting procedures for all departments, offices and agencies of the town, which accounts... and she said it went on. She noted that the accounting has been mandated to the Town by GASB5 but she did not believe that the procedures were given a time to really look at it and to come up with long range planning. She then read prescribe uniform forms of receipts, vouchers, bills and claims to be used by all departments, offices and agencies of the Town. Colette J. Matarese said that Jonathan Mitchell has tried to do this and she does have documentation of that but he has been stonewalled. Colette J. Matarese then said prepare a monthly statement of all receipts and disbursements in such detail as the Town Council may require. She said again the council had receipts and if the council has a problem they need to tell him exactly what they want from him. Colette J. Matarese continued to read from the charter saying prepare as soon as possible and at the end of each fiscal year a completed financial statement and report in accordance with state law, for submission to the town council and the taxpayers of the Town. Be responsible for the administration of the Tax Collector's office. Councilor Matarese said that when she looked at that the details that Mr. Berkowitz has a problem with is not there and that is why she is saying if people wanted something there should have been a list of the duties that come under all of those things and then a prioritization of what was most important. She said that all the council needs to be proactive in the planning and the work in order to turn around and get the work done. Mrs. Matarese noted that we all know that everything can't be done. She said that this council has failed in that and the liaison system has failed in that.

Heidi Rogers answered that the council did not fail nor did the liaison fail. She said that a number of issues have come up and everything that she read was a generalization. She said that the payroll was a constant issue, and the pension was

a big problem to her. Heidi Rogers said that the expenditures once again and she knew Ralph Berkowitz has made issues out of it and maybe not appropriately and Jonathan Mitchell felt attacked but all the same he did get his point across that it needed to be done and it was a priority she said it was on tape and we have had meetings and Ralph has said it over and over. Heidi Rogers said she felt that these were things that were not being done and are very important priorities in that department.

Ralph Berkowitz moved that Jonathan Mitchell be terminated from the job for failing these obligations during the six month trial bases. Steven Bellucci seconded the motion. Heidi Rogers asked if there was any discussion. Colette J. Matarese said that yes there was and suggested that the council start reading its charter. Councilor Matarese distributed copies of Appointive Officers and Town Sergeant Article VI of the Town Charter. She read Tax Collector shall be appointed by the Town Council to serve at the pleasure of the Council, Tax Assessor shall be appointed by the Town Council to serve at the pleasure of the Council, Director of Public Welfare shall be appointed by the Town Council to serve at the pleasure of the council, Sealer of Weights and Measures, appointed by the Town Council to serve at the pleasure of the council, Dog Officer & Appraiser of Dog Damage, appointed by the Town Council to serve at the pleasure of the Council, Building & Zoning Inspector, appointed by the Town Council to serve at the pleasure of the Council, Director of Public Works, appointed by the Town Council to serve at the pleasure of the Council, Police Chief, appointed by the Town Council to serve at the pleasure of the Council at will employee. Colette J. Matarese then read Treasurer's Department there shall be a Town Treasurer appointed by the Town Council for a term of two years and until the Treasurer's successor is appointed and qualified. She then read the appointment of the town treasurer shall take place at the first meeting following the election of the town council. Colette J. Matarese said she would say that Mr. Mitchell has been put into a unfilled term and he is a term of two years that implies a contract no where does it say he serves at the pleasure. She said it must say so in the personnel policy and in the job description but the Charter supersedes any other document. Heidi Rogers said she believes that when Jonathan Mitchell was appointed offered him the job it was under the condition of 6 months probationary period. Colette J. Matarese said that the charter supersedes the motions and that was not in the motion.

Bradford Gorham, Town Solicitor said that his appointment was for a 6 months probationary period. Colette J. Matarese remarked that the Charter says differently. Bradford Gorham remarked that the 6 months probationary period has not yet expired as he understood it. Harold R. Shippee, Sr. remarked that it was not in the motion anyway. Colette J. Matarese said it was not in the motion and isn't the Charter the rule of the Town. Colette J. Matarese said she guess the town is going to have to find whether this is an important document in the courts is that what you are saying. Bradford Gorham answered he did not say that. Council member Colette J. Matarese said that a term appointment is not an at will. She said a term appointment is not an at will appointment then she believed it was different than an at will appointment and it has to show the significant, significant documentation of why you are terminating somebody #1 and #2 you show have records of progressive work of that person as to what they were doing wrong and what they weren't doing wrong and you should have records that show that the person was given an opportunity to perform their job. Colette J. Matarese said she then guesses if this council decides to take this action again the town will be going to court and she hopes so.

Council member Harold R. Shippee, Sr. commented that today was a kangaroo court. Bradford Gorham, Town Solicitor said that he had a probationary period of 6 months.

Heidi Rogers commented that when the council appointed Sue Boucher she was conditioned her upon a six month probationary period. Colette J. Matarese answered that she was not in the Charter. Town Clerk Anne M. Irons noted that she was in the union. Heidi Rogers said she was the same. Colette J. Matarese

again said that she was not in charter and Mrs. Rogers needed to look at that motion.

Jonathan Mitchell spoke up and said that the motion said he was approved pending a discussion with him and checking his references that are all it says. Heidi Rogers said she remembers Steven Bellucci specifically saying the 6 months probationary period. Colette J. Matarese said that was not in the minutes and if it was not in the minutes it wasn't done. Colette J. Matarese said that they should check it and to be very careful of what they were doing.

Jonathan Mitchell asked Mr. Gorham in what document did it say a 6 month probationary period. Bradford Gorham said that when he was hired it was clear. Colette J. Matarese asked in what minutes and where was it in writing. Bradford Gorham said it was stated at the time he was appointed that it was a six month probationary period. Colette J. Matarese again asked where it was in writing. Bradford Gorham answered again that it was stated at the time he was appointed that it was a six month probationary period. Colette J. Matarese again asked where it was in writing. Mr. Gorham again said that it was stated at the time he was appointed it was made very clear. Colette J. Matarese asked where is it in writing what do the minutes say. Mr. Gorham answered that he had not read the minutes and he does not know what they said and he knows what was said. Colette J. Matarese answered that they have minutes and the minutes were approved and if the minutes were approved and if the minutes were approved and if that was a condition they should then have been amended and they were not. Colette J. Matarese said that also will be brought out in a court of law also.

Heidi Rogers remarked that there was a motion on the floor and asked for all those in favor to signify by saying aye. The following members voted aye. Steven Bellucci aye, Ralph Berkowitz aye, Heidi Rogers aye. Heidi Rogers then asked for all those oppose and the following members voted no. Harold R. Shippee, Sr. no Colette J. Matarese nay

The meeting was adjourned at 12:40 p.m.

Submitted by,

Anne M. Irons
Town Clerk