

TOWN OF LAPOINTE
SPECIAL TOWN BOARD MEETING
THURSDAY, OCTOBER 30, 2014
AT 5:30pm AT TOWN HALL
Transcription

Present: Greg Nelson, Michael Childers, Marty Curry, Jim Patterson

Absent: Ham Ross

Others present: Pete Clark, Micaela Montagne, Gene Nelson, Elizabeth Ellis, John Carlson, Paul Brummer, Ken Peterson, Adam Hage, Gary Flores, Susie Flores, Julie Schmitt, Mary Ross, Charles Nelson, Elaine Nelson, Meg Brown, Chris Wolfe, Lisa Potswald

G. Nelson: I'll call this Special Town Board Meeting of the Town of La Pointe to order Thursday October thirtieth twenty fourteen at six thirty-two pm. [Corrected to] or, five thirty-two pm. There's a majority of the board is present, please state your presence.

M. Curry: Marty Curry present

J. Patterson: Jim Patterson present

G. Nelson: Greg Nelson present

M. Childers: Michael Childers present

G. Nelson: The, uh, purpose of this meeting is a personnel meeting requested by the Town Administrator, uh, to question, for questions and concerns of the legitimacy, motivation, and propriety of a written reprimand that he received last week. Um, there is a, the thing on the ordinance, or on the posting saying that we may go into closed session and so, um, I believe that will be entertained. But before we entertain it, I just want to say on the record that if we go into closed session, I'm leaving. And, uh, I'll come back in in open session, but this Town gets accused enough of trying to do things with lack of transparency, there's nothing I would say in closed session that I wouldn't say in an open meeting, so if it's chosen, because it's not my decision, but I want it know right now that I don't want this to go into closed session. That being said, uh, I'll entertain a motion to go into closed session.

M. Curry: Um, just, Mr. Chairman, if I may before, um, before we entertain motions to that effect, um, we have in the past, uh, for other, uh, employees, when regarding employee matters themselves, given them the preference, or given them the, the preference as to whether they want to go into closed session themselves. And so,

G. Nelson: Name it.

M. Curry: Um, Bill Defoe when we had a discussion, when we were talking about going into cl-
or session or closed session regarding an employee matter, um, it...

G. Nelson: Okay, um, let me give you an example,

M. Curry: Okay

G. Nelson: Stephanie Zuelke requested going into closed session, I didn't want to, Mike Starck said we have to if it's her request. After that meeting, I researched it, and it's not the employees, the employees can state that they want to go into closed session,

M. Curry: Okay

G. Nelson: But it's our decision.

M. Curry: okay, um, also I would just like to speak to, uh, Wisconsin Statutes nineteen dot eighty-five one B, uh, a closed session may be held for certain limited purposes including the following, considering an employee's dismissal, demotion or discipline, uh, or considering an investigation of charges against the employee. Um, just to that affect, uh, if that is being considered, uh, that we should entertain the motion to go into closed session.

G. Nelson: I don't, I, th- He called the meeting. Uh, if, an, and he has questions about my, I've never been in this position before. I did as much research, tried to go as specifically by the letter of the law as I could find. Uh, the written reprimand in the personnel policy specifies that it's between the department, the immediate supervisor and the subordinate. He chose to disseminate and call the meeting. Now, i.. I, I don't plan on ta- discussing any of those items.

M. Curry: Okay

G. Nelson: I just plan on explaining the facts as to why he got the letter of reprimand, and, and, how it transpired.

M. Curry: okay. Then just for my clarification, for, for my own personal uh, Administrator Clark do you have a preference as to going into closed session, or, uh, are you uh,

P. Clark: I would prefer to be in closed session.

M. Curry: You would prefer to be in closed session. And, and, why would you prefer to be in closed session?

P. Clark: I think that there are issues here that are better served in closed session than open session.

M. Curry: kay, um...

G. Nelson: Well, I mean, before we entertain the motion to go into closed session, I could go, and, you know, we just received this today, his letter and points that he wanted to, uh, so I had to

spend a few more hours of my time, um, going through it, and comparing it to the research that I had made. I, I believe we could go through this whole, um, letter, you know, before we go into closed session. I mean, this, he, he copied to everybody.

M. Curry: Are you opposed to that?

P. Clark: I have no issue with that.

M. Curry: um, then, um, to that matter, are you opposed to, do you prefer, can I read the letter? Or would you prefer to read the letter?

P. Clark: Go ahead.

M. Curry: Mr. Chairman, do you object to me reading this letter?

G. Nelson: No, go ahead, go ahead.

M. Curry: Um, this is a memo dated October twenty-nine twenty fourteen to Town Board from Peter Clark, Town Administrator regarding allegations, reprimand and job description. In advance of the Special Town Board Meeting, at which the written reprimand issued by the Town Chairman will be discussed, I would like to provide each board member a copy of the current job description to the job administrator. This is one job description that is for public view. Um, the description sets out duties and responsibilities, as well as, supervisory authority. Those sections and sub-sections pertinent to the matter at hand are; one, immediate supervisor, Town Board. Two, introduction, shall be the administrative officer of the town, responsible only, emphasis added, to the board for proper administration of the business affairs of the Town. Three, A dash eight, represent the Town in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Board. Also serve as primary staff contact to Town's attorneys. Four, section B three. Assist the preparation of ordinances and resolutions as requested by individual Supervisors or the Board, or as needed. Five, D, section D dash one. Be responsible for the preparation of the annual Town budget, in accordance with the guidelines as provided by the Town Board and in coordination with department heads, and pursuant to State Statutes for review and approval by the Board. Six, E, section E dash two. Serve as coordinator of public works activities of the Town. I would ask in the run up to the STBM, Special Town Board Meeting, that board members review the job description and in particular, attention to the sections, sub sections, and narratives above, and lay them aside, uh, lay them aside the allegations and statements made, by the Town Chairman, as the basis for his issuance of the written reprimand. Signed, or, thank you, Pete Clark. This is a copy of the memo.

G. Nelson: In that regard, um, since the, the letter of reprimand, that by the personnel policy should be given to the individual and go into the file, and it's between the two. If there is no further activity for one year, in the regard of the content of the reprimand, it is removed from the file. But he copied it to the board members so, it's public information. And I will read that. It says, Pete, this is ten twenty-three fourteen. Please consider this letter as your written reprimand

per the Town of La Pointe personnel policy. After my discussions with you on eight twenty-six and nine sixteen fourteen regarding your actions involving the poin- La Pointe police department, I. E. no confidence resolution, without any knowlevige, knowledge, of it by your direct supervisor, I. E. Town Chairman, me, I would have hoped that those discussions would have caused you to be more transparent with me about Town matters, even if you felt I did not agree with your position. However, after my discussion with Jeff Beirl on the morning of ni..., ten sixteen fourteen, it became clear that my previous discussions fell on deaf ears. I believe your actions are far from what your job description entails and defies logic, considering the issues we have had in the past regarding transparency by local government. I want this activity ceased immediately and if I hear of any verifiable reports of you acting on the board's behalf without clear directive from the board I will be forced to move to the next step in the personnel policy. Greg Nelson, Town Chairman.

M. Curry: So...

G. Nelson: So as far as his six points. First thing I researched was immediate supervisor, Town Board. On the April twenty-ninth two thousand thirteen meeting, on the item L of the agenda was, um, a summary of personnel policy changes. Item four, of that summary is, establish that the chair of the Town Board is the immediate supervisor of the Town Administrator. Do you want me to go to the minutes or are you guys, um, in the minutes, he, um, um, gives great credit to Glenn Carlson and Tom Banner for putting this together and to help, ta...d..., uh, definitively establish what the chain of command is. So, I, I, question, now, if it's personnel, I, I, I've read the, uh, job description. I think, that, that, as h-how can you call a supervisor a five member, you know, that isn't exactly, I don't see how it could work in the personnel matter regard. So, there, there was, um, an, you know, so this was, uh, nine months after he was hired that we finally got the personnel policy changed that made it clear, um, that uh, that I was his direct supervisor. I didn't, I, I, felt that, that I was, but, you know, in my research, especially reading the newest version of the personnel policy, it was clear to me that I, this is the first time, like I said, I've done it. I thought I was following the rules. Um, does anybody else have anything to add on that?

M. Curry: I, I have no, I have no questions, I think, I just, um, th-, the job description itself, uh, should be updated, um, just reflecting that you are indeed the person, the immediate supervisor.

G. Nelson: Well that's, that's another things that hasn't transpired, I mean we have job..., we still are, he's working with Tom Banner and other, um, to try

M. Curry: Right.

G. Nelson: to get a finalized poli- personnel policy. And then, I think they are gonna try to get them to all mesh, so, um, we probably have many instances where you can find similar conflicts, but I think logically in any chain of command, that, that it should be direct, you know, not Town Board, cause I don't see how that would work in many different regards as far as uh...

J. Patterson: It's always been my understanding that the Town Administrator, um, works, uh, for th- the Town Board and that the Town Chair would be the direct supervisor as Chair of the Board. I don't see a problem there.

G. Nelson: Since, um, one of my biggest concerns, um, uh, in the reprimand was activities that were done without my knowledge and, um, you know, and, and, and steps that he's taken, um, that I felt should have, we all should have been know about, I mean, his item three, I'm not, I'm not contending that at all. I- item three, number A eight it say right in it, as authorized and directed. I believe that that means he can go do legislative and intergovernmental stuff but he still has to be directed by us. You know, and, and, uh,

M. Curry: And, and the question that I would have in this, in this specific instance was what were th-, what were the questions or what was the discussion that was had with, uh, with Administrator Beirl? Was it in keeping with, uh, previous years, was it, was it, what was the nature of the discussion is that I would... have we previously given him authorization to do this and is it just something that.. but that's

G. Nelson: You...

M. Curry: But that doesn't have to be discussed, I just see that would be the question...

G. Nelson: I'm ready to discuss it right now...

M. Curry: And I would have to ask...

G. Nelson: I'm ready to...

M. Curry: Part of that is the question about if that crosses into the area where, uh, the disciplinary action... if that crosses into the, the need for closed session. I, I...

G. Nelson: I'm ready, I, I'll discuss it.. like I said there's nothing... I, I didn't go read that statute, but, but, uh, you know, uh, he- uh, i... bottom line is I don't, all I wanted to do was to respond to his in- insinuation about my, the propriety and, uh, I wanted to hear his, his basis for calling this personnel meeting. He called it.

M. Curry: Sure

G. Nelson: And, and, and, uh, I've prepared a lot of notes that I would read, um, at any open meeting....

M. Curry: Yes

G. Nelson: But I'm not going to sit in closed session and do it because then tomorrow everybody's gonna want to know what was said in closed session, and that's how it works around here. And people will talk, Marty. You kind of know how that works.

M. Curry: So the question that I would have is, is can the Town, can the Town Board have a employee discussion without the employee Supervisor? And if you're not going to be part of the closed session, than I don't understand how we can even go into closed session.

G. Nelson: I don't need to hear your discussion, you can't make any motions in closed session...

M. Curry: I know

G. Nelson: So if you come out of closed session and you want to make any directives or motions, that's when I'll have my chance to give my, uh, opinion regarding any of it.

M. Curry: Sure, sure, and I'm not saying that there would be, we can't do any motions in closed session, I'm saying...

G. Nelson: I know.

M. Curry: we can't, in order to have the discussion, I find it, that it would have to be appropriate to have the Supervisor for the employee present for the discussion, but if you're not willing to do that, then there's really no reason for us to have this...

G. Nelson: Well five minutes ago you thought the whole Board was his Supervisor, Marty.

M. Curry: Well, you just stated, you just clarified for us and said that the immediate supervisor was you, I mean, that's, and I'm not contending that, okay...

G. Nelson: Okay

M. Curry: I'm not contending that, but what I'm saying is that in order to have an employee personnel meeting, the supervisor needs to be present and if you're not going to be present, then we should adjourn this Special Town Board Meeting right now and just dismiss, dismiss, the employee, uh, dismiss this employee, uh, um, uh, meeting, I guess. Because...

J. Patterson: Well, Marty, we have, we have not taken a vote to go into closed session, so that's the, that's the case that you are referring to...

M. Curry: sure

J. Patterson: and with all due respect, I, I would like to, uh, see the Town Chair and the Town Administrator discuss the, uh, the concerns that we all have.

G. Nelson: Prior to the meeting...

J. Patterson: Without, uh, getting into, you know...procedural...

G. Nelson: Prior to the meeting, I informed Pete of what just exactly told everybody.

M. Curry: Okay

G. Nelson: And, I, I, don't care if you like it or not...

M. Curry: I, I,

G. Nelson: If you go into closed session, I'm grabbing my stuff and I'm walking out and I'll come back when you reconvene. You guys can pick, uh, uh, a Chair of the closed session, but I'm not gonna be part of it.

M. Curry: okay

G. Nelson: I, I've, sp... I've spent a few more closed sessions meetings than you have, and I know what the repercussions are.

M. Curry: I understand

G. Nelson: and if we were discussing contract, if we were discussing disciplinary action... we're it's, he, he called the meeting. He's the one with the, he's the one with the concern about how I handled it. So, I, I... most everything I've got here is, is strictly in response to what he may have allege as to improprieties by me, in giving him the written reprimand.

M. Curry: Uh, Administrator Clark, given the, given the, given these discussions that are happening now, which you, which you haven't added to, are you opposed, are you still opposed to going into closed session or would you.. rather have the transparency...

P. Clark: Let, I...

G. Nelson: No, he's opposed...

P. Clark: Let's have at it.

M. Childers: This is a very uncomfortable place to be. Because I'm not quite certain how we protect the rights of an employee of the Town, in this kind of structure. I mean, I mean, we've got issue here, with some disagreement over what has happened, that we do have an obligation, I think, to protect the rights of an employee.

M. Curry: Well certainly, and that's, that's why closed meetings for employees are designed. And, on the other end, if, if you're violating a personnel or, a privacy issue, regarding, uh, a contract employee, that it presents legal quandaries that I don't know that the Town wants to wade into.

M. Childers: I'm just confused, I've not sat in this kind of situation...

M. Curry: I'm confused too. I would like to go on the record stating I'm confused. Mike Starck at home, I'm confused.

M. Childers: Now, Greg, you have experience here, and...

G. Nelson: Lot's of it.

M. Curry: Yes.

M. Childers: And I'm confident in that, and, and I suspect that some of this is some difficulty in communication that could be resolved potentially between the two of you, I'm just very uncomfortable with the Town as a governmental...

G. Nelson: Like I said, my reprimand was on something very specific.

M. Childers: kay.

G. Nelson: If I wanted to discuss, um, disciplinary actions other than the, the, the, written reprimand is about job performance and there was, there was instances that I was not happy with that I told Pete when I met with him, I'm going to write an article in the Gazette, I have not done that since I've been Chairman, I wrote two famous ones when I was the Foreman, uh, The Road From Hell Was Ditched with Good Intentions, and uh, A Road By Any Other Name is Still a Road.

[Laughter]

G. Nelson: But, uh, um, I am going to write an article in the Gazette regarding the conundrum of the police from my perspective, whether you people like it or not. And most of what is going, that I felt is going to be discussed in closed session is stuff that I'm already prepared, that I want to get out into the public forum. Because I've been a little busy myself, and I've got lots of other this I could be doing besides this.

M. Curry: Agreed

G. Nelson: Now, I don't know how much you work a week, but, you know, this is really hindering my ability to get work done that I'm running out of time to do. But as my position entails, and as I said, I haven't been in this position before, I still felt it was the right thing to do. And he didn't have to disseminate it, and we could have kept it between ourselves, but he chose not to, so I said I'm calling the meeting. The morning I opened the envelope, I said I'm calling the meeting, but I'm not going into closed session. I told it to him the day I, within five minutes of opening the envelope. So, so if you're claiming that, um, we can get sued over my actions, so be it. But, it's what I'm doing and I think most of the people agree with my position. At least the community...

[Applause from public audience]

G. Nelson: At least the community that I outreach to.

M. Curry: With that being said, uh, motion on the floor. Um, I make a motion to go into closed session.

G. Nelson: Is there a second? Motion fails for lack of a second. Do you have anything you want to add Pete, besides your...

P. Clark: Yeah, there's been plenty of talk without me, thus far, uh, first, uh, I find this as unfortunate as anybody else, uh, and have any number of other things I would rather be doing than this, but, uh, I found that uh, delivery of this reprimand was, uh, inappropriate on several levels. Let's start with arguendo, everything you allege is correct, it isn't, but let's just say it is. Number one, a written reprimand is a second step in a, in the personnel policy. Your statement was, I consider our conversation in the parking lot to be a verbal reprimand, that doesn't meet the standard.

G. Nelson: That's incorrect. I said the parking lot...

P. Clark: That, that...

G. Nelson: ...and in this room on nine sixteen.

P. Clark: You had your say, now it's my turn.

G. Nelson: Don't make stuff up. I just read it to the people. It says...

P. Clark: I'm not... our conversations...

G. Nelson: ... It says our discussions on eight twenty-six and nine...

P. Clark: ...Our conversations... our conversations do not constitute a verbal warning. Read the personnel policy as to what, how a per- verbal warning is, is provided. This doesn't meet that standard.

G. Nelson: According to you.

P. Clark: According to the personnel policy. Now...

G. Nelson: Not my reading of it.

P. Clark: Let's just, uh... perhaps you can restrain yourself from the asides...

G. Nelson: Don't make allegations that aren't factual, whether I agree with them or not.

P. Clark: Secondly, uh, I think that the job description certainly a-allows me, to have done everything that you alleged, you've taken specific exception to. Uh, the, uh, my discussions with Jeff Beirl have existed for two years. I've had the very same discussions having to do with budgets, uh, which is what this was about. Uh, both fighting for, uh, the police department budget, before we had the new budget process. Uh, so that what this amounts to is your specific exception is cause you don't agree with the, the, potential result. And that is, it is. As long as, you were happy as a clam so long as you agreed with everything that was being discussed. The minute we found ourselves, uh, in, uh, less than agreement, or you didn't agree with the, with the, uh, nature of the conversation, then it became a problem. So this entirely personal, and entirely surrounding a, the, police department. Which you ha-, uh, you've been standing in front of si-, for the get go. Now, if, shall, if we look at what's coming down the pipe coming from the standpoint broad, uh, Town budget, uh, uh, given your position, that's off the table.

G. Nelson: What's off the table?

P. Clark: The police department budget.

M. Curry: Just...

G. Nelson: I'm not gonna have the police budget on the table?

P. Clark: Evidently not, not based upon everything you've said and, uh, uu, everything that you've discussed in your letter of reprimand. So, I'm, my position is, and why I asked for this discussion, was number one, I don't think that, that the appropriate procedure was followed, aside from any other issue. Uh, that, that, to have, uh, if you felt a reprimand were in order, the first step was a verbal reprimand. That was never done. Secondly, the allegations you make are fully comprehended save one supervisor, uh, I'll concede that because that w-w-w- wa-lumbering around the back of my mind as well. But the job description stated that the supervisor was the Town Board. Every other element in this is contained within the context of my job description. Virtually everybody in this room probably has it, it has been the most requested document in the last several years. So my point is, you didn't follow ...

G. Nelson: More lately...

P. Clark: ...you didn't follow the, the correct procedure. The, the substance of, of your reprimand is erroneous, because it, it, uh, is, authorized, uh, in my, uh, job description, and so my appeal to the Town Board is to rescind this reprimand.

M. Curry: So.

P. Clark: Purely.

G. Nelson: Okay...

M. Curry: So, if, if I may Mr. Chairman, the, the, a question for you. The discussions that, uh, the Chairman has taken issue with, with Administrator B- Beirl, was on a budgetary issue?

P. Clark: It was on the, the to- the County provides a certain level of funding for both law enforcement and zoning.

M. Curry: I'm aware of this.

P. Clark: Those d-, how much, uh, those, d-, uh, that contribution is, is always a con-, a matter of discussion.

M. Curry: Okay, and so, and so the issue, th- th- your discussions with Jeff Beirl that are referenced in the reprimand...

P. Clark: Were the same discussions that I've had for two years...

M. Curry: ... are on budgetary issues.

P. Clark: ...with Jeff Beirl.

M. Curry: Okay, so, hang on just a second. Greg, from your perspective, the, the budgetary, the discussions...

G. Nelson: I'm telling the whole story. I'm not gonna start at the end. I've got it all written down...

M. Curry: okay...

G. Nelson: ...as to what led to, to this part of it. If Pete wants to portray it the way he wants, fine. I've got it all right here that I'm going to read. So...

M. Curry: Administrator Clark, do you have a problem with me letting Greg tell the story.

P. Clark: I, I, th- th-

M. Curry: I'm trying to find some middle ground...

P. Clark: The point is, is... the issue surrounds the...

G. Nelson: I don't need any help Marty.

P. Clark: ...this reprimand...

J. Patterson: Marty, you're not chairing the meeting.

P. Clark: Period. What's in the reprimand. The document speaks for itself. That's with what I, is what I took issue with.

M. Curry: But I'm part of the discussion

G. Nelson: Pete, did...

P. Clark: that's what I took issue with.

G. Nelson: Pete. Did we not have an hour and twenty minute discussion when I gave you that reprimand? I didn't think I had to sit and write out in detail. I thought you would understand what I was referring to, and I definitely understood what I was referring to. And since the personnel policy says it's between you and me, I thought that's where it could stay. And if I didn't see this activity that I was referring to, it would have been taken out of your file in a year. I- our personnel policy also says, that depending on the severity of these um, uh, actions, you can skip these steps and go right to termination.

P. Clark: Uh, and th- that's where my appeal to this Board is. I, I, think uh, uh, in so far as everything that was, that- to which you objected is contained in within, i- is authorized in, and endorsed, and in my job description. That, yeah, I don't think it wa-, I think you've conjured this up in your own mind because you're angry.

G. Nelson: We'll let the people decide that, Pete. I think you look a little more angry than I do. So... Go ahead, keep coming. You've referred to the very end which was the straw that broke my camel's back. That's what caused me to act. There was preceding things that you've not even alluded to. But, wh- wh- after what I discussed with you and so, I wrote some notes that I'd like to, um, expound on with the, uh, general public. I met with Pete on, uh, on the twenty-fourth and gave him that written reprimand. Um, the basis of it, uh, was that he was intentionally doing things without my knowledge. Uh, I, I, on eight twenty-one I was informed that he was circulating a No Confidence Resolution to the public that I knew nothing about. Um, when I spoke to uh, when I spoke to Pete, he said that he had been directed by two, uh, Board members. I asked who, he said, uh, Marty Curry and Jim Patterson. I'd had a previous discussion with Jim Patterson and I did not get that impression at all. But um, I, I did speak initially to Pete in the, uh, in the parking lot, which he makes reference to, but the thing that really bothered me about that instance is not that he chose to not let me know about this No Confidence Resolution, but probably he chose not to because he knew I'd disagree with it, but the, the night of the, uh, twenty-first, I got a text message on my phone from Tom Nelson to Pete Clark, admonishing him for not having this No Confidence Resolution on the eight twenty-six agenda. Yet, I knew nothing about it other than a little hearsay from um, my employee who saw him circulating it in the Beach Club the night before. That bothered me, very much. Now, I don't care what he says his job description says, anybody with any iota of common sense would think about circulating something in the public around before his direct supervisor, immediate supervisor, knew about it. That's what the basis of our discussion was on the eight- on the night of the twenty-sixth of August, and it was the bulk of what our discussion was when I met with him at this table on the fourteenth of September. That being said, we kept working, doing budget workshops, everything.

Well, um, at the ten, uh, I'm not gonna read this whole thing, but the ten fourteen Town Board Meeting, um, there was, uh, a comment under Public Comment that alleged that there was, uh, negotiations or discussions to cut the police department, which was totally unknown to me. Um, and then Ham spoke of, well that's in, uh, Bill's Police Chief's Report making allegations about this. And Ham questioned why Bill would be expounding on stuff that he read on social media. The next day Bill Defoe came to me and said you and Ham don't know what's going on do you? And I said what? And he said Jeff Beirl came to me and said that Pete is proposing to cut my department. I came to Pete, asked him face to face if he was negotiating this, he denied it. And then I said so is Jeff Beirl lying to Bill Defoe about cuts, about discussions of cuts... well it was discussed. So obviously there's a huge gap between negotiating and discussing. So he admitted that there was discussion but he denied that there was negotiation. The next morning I called Jeff Beirl, who was very evasive. Um, said he didn't want to get involved in local politics, but when I asked him if, uh, if there had, if he had told Bill Defoe that there had been discussion of cutting his department, there was a huge silence, and then he said, well there's been discussion, but I haven't changed my budget from twenty fifteen from what it was in twenty fourteen. And I said that's all I need to know. So, that was the point where I said I can't let this go anymore. I've never g- been, done a written reprimand, um, I considered our discussions, yes, as oral warning. He might claim that it wasn't, but I told him wh-what- tha- that how disappointed, and n, n, it was way more than disappointed. That, that, that, Tommy Nelson would know about this, uh, resolution before, before me. The other thing I want to state is that, uh, you know, he- we voted on eight twelve um, meeting, to go, to create this police panel, at his directive. No question. And we voted on his Resolution. We have Mike Fauerbach's letter stating that we'd be better off without Pete's Resolution, we'd be better off with nothing than the Resolution we approved. So, um, then, then, that created a gap where we had to amend the resolution and wanted us to hold back, and and that's, this is when I found out that the Town had an ordinance that stated the Town Board has the authority to terminate, suspend, reprimand, do all the things that the panel supposed to do. This is what I stated at the eight twenty-six meeting, that I thought I was hanging my hat on, and I was following, I believe that gave us the authority. Yet, when I spoke to Mike Fauerbach on September fourth and asked him what is the legality of our Ordinance 117 E? He said to me that Pete Clark directed him not to look into that. And it's reflected in this letter right here, from Mike Fauerbach. So, anybody out there should be able to see why my ire kept increasing, yet, I didn't do anything about it other than our face to face discussions, until I found out that it appeared, because I look at the whole chain of events from the time Bill Defoe started till when I find out that he is negotiating with Jeff Beirl on cutting the department, and it sickens me. And this is gonna all be included in my article to the Gazette, but uh, since he wants to bring it out into a personnel meeting I thought, hey this might save me a lot of writing, and save the Town money because it's gonna be five pages long in, in the Gazette. So, um, you know, it's-it's streaming out there right now and people can, um, decide whether I was wrong or he was wrong, but, I, like I said, it was a first for me, but, uh um, I think Pete looks at things a little different, I don't know if, you know, this is how things were done in Chicago, but I've definitely been accused of lack of transparency enough times to know that you're much better off staying, keeping, i- i-, having the Board aware of what you're doing, um, than saying, oh, my, uh, job description says I can uh, go do this without, uh, you know, with just a single Board member's approval. And I think that's about all I have to say for now.

P. Clark: My turn now?

G. Nelson: Yea.

P. Clark: Uh, number one, uh, your conversations with, I mean in the parking lot doesn't constitute as I suggested previously. Uh, as regards, discussions with uh with Jeff Beirl, I, I probably mentioned, they are the very same discussions I've had for two years. Uh, I in fact was meeting, met with Jeff Beirl shortly after your phone call that morning. Uh, and in fact his statement, I- lets have a conference call, uh, with the Chairman, the Chief of Police, and yourself and myself, uh, t- to deal with how this transpired rather than how you've conjured it up in your mind. The fact of the matter is, I talked with Bill Defoe about reducing his budget in my meetings with him which are on the budget schedule. As he went thought his thing, I said have you, uh, had any contingency thoughts should your budget be reduced? His response was, no. I said, well, I, I, could, I, I feel comfortable in saying, or uh, at least believe that that the Board as some will, to potentially reduce your budget and a prudent dir- department manager would have some contingency plan. So I told him that, that there was some consideration, uh, that that his budget may be reduced.

G. Nelson: But he didn't...

P. Clark: He, he then, s-, uh, button holed the County Administrator, uh, on the main floor of the Courthouse in Ashland and said, ya better not be- be talking about cutting my budget or you're gonna be liable, uh, for delays in response time.

G. Nelson: And you found it inappropriate to bring this up when you sat right next to him when we went through the law enforcement budget?

P. Clark: Uh, I told th-, I also told you, as I told him, because of the tension that has surrounded the whole law enforcement matter, I was going to submit his budget to the Board without editorial comment, which I did.

G. Nelson: So when did you think it's appropriate to drop this, uh, reduced budget- when we're doing the final reviews after all the department information was in?

P. Clark: We hadn't even gotten a consolidated budget. We went through the workshops...

G. Nelson: Whe- just answer my question. When do you think it's an appropriate time? I think it's appropriate when you're sitting next to the department head.

P. Clark: I don't give a damn what you think is appropriate, there's a process to this thing.

G. Nelson: Elaborate. I'm just saying, and I think I saw a lot of shaking- you're...

P. Clark: We went through... let's... let's...

G. Nelson: you're fortunate that you're back is to all these people because I say things that make sense and they all nod their head, then you say things that they don't appreciate and they shake their head, but you don't have to see it. But when do- I think that an appropriate time is when you're sitting side by side with Bill.

P. Clark: I think, I think... the way this matter is... the way the budget has been handled, at least the previous two have been, we've gone through th-, we've gone through the, uh, workshops, we've gotten a consolidated budget, we found out where we were, and, in the first year that I was here, it was, uh, okay, we need to find four hundred and forty thousand dollars. Uh, we were, the, the wish list from every department amounted to four hundred and forty, uh, thousand dollars more than projected revenues, so we had to balance those. That was then given to me as my charge. The same thing last year. We had the, uh, departmental budgets amounted to X amount more than, uh, projected revenues, so they had, the, the, uh, budgets needed to be reduced. That was then, uh, given to me, I brought back my suggestions to the Board. You, yourself at the last Town Board Meeting said, when we were talking about budgets, uh, said, oh, we assign th- the cuts to the Town Administrator so he takes the heat.

G. Nelson: Because I knew it would get you.

P. Clark: uh, that's mature.

G. Nelson: [laughs] uh, yeah, you're gonna just love this article in the Gazette, Pete. But, uh, you know, that being said, I, I...

P. Clark: So, so, my point simple being, is that, uh, as, as relates to the, doing things behind your back, you've alleged that there's, uh, ya, you're talking to three Board Members behind my back, that's...

G. Nelson: That's called a walking quorum.

P. Clark: Th- the issue...

G. Nelson: That's called a walking quorum. I didn't even think I had to bring that up.

P. Clark: The issue is, is that...

G. Nelson: That's called a walking quorum.

P. Clark: [whispers] Christ.

The issue is this. I've talked to you all summer long about the n- necessity of continued communication between the Town Chairman and the Town Administrator as, regards the issues that c- goin- come before the Town and before the Board. I've said, I'll come to your place of work, we need t-, we should be getting together at least two, twice a week to discuss issues that are on the table before the Town and on the table before the Town Board.

G. Nelson: When did you bring this up?

P. Clark: And, and, i- it was...

G. Nelson: you brought this up the night of the August twelve meeting when you apologized...

P. Clark: It was, it was, it was brought up continually throughout the summer. I was talking, and you're, and I'm too busy, so that you can't claim that things are being done behind your back when you've turned your back on any effort to communicate.

G. Nelson: Now you're starting to make me mad Pete, because what I can't figure out is why the highest paid Town employee cannot afford a god damn phone in his house, cause I would call you but I'm not going to discuss with you over social media Town events...

P. Clark: I, to... [cannot decipher]

G. Nelson: I can't get a hold of you, you don't have cell service. You know where I live but you come there just so I can fillet your god damn fish. You spend more time at Gary Krubsack's this summer that you did with me.

P. Clark: Th, that's, you were unavailable.

G. Nelson: The hell I, I, I may work long days, but I'm available at night. Name one time you came to my house to discuss any political matter this summer. You k- keep asking why I don't come to your place...

P. Clark: Or here...

G. Nelson: and our discussions...

P. Clark: Or any place else.

G. Nelson: I'm working, you know that. I'm providing jobs, you know that. You can talk to many other Board members that don't, aren't under the same, um, time s- scheme as me during the course of the day. But it's a lot more difficult for me to leave work to come here and talk to you, and if you think I, I s- read four months of your time cards, to come up with this reprimand. I applauded Barb t- cause I had such a headache from l- uh, uh, un-ability to interpret your handwriting, that I called her and said you're a saint. But, this is stuff that I will discuss at a future personnel meeting that isn't part of what you requested this personnel meeting for.

P. Clark: alright. I didn't know that this personnel meeting was...

G. Nelson: You requested it. When I told you t- I would call....

P. Clark: I, I, I would ask

G. Nelson: ... a personnel meeting for the police issue, you chose not to...

P. Clark: I think aside from the Chairman's, uh, verbal and, uh...

G. Nelson: Here comes the big words folks.

P. Clark: B- because th, th- the Chairman finds it hard to restrain himself, I...

G. Nelson: Which is exactly what I told you when you met with Jen and I sat right there

P. Clark: [laughs] I put, I would simple ask that we conclude this matter, I, b-, my appeal is to the Board is to rescind this reprimand as, uh, as being, uh, unfounded and inappropriate. I'll leave it at that.

M. Childers: I would like to make a motion that we adjourn this meeting.

G. Nelson: Is there a second?

M. Curry: Second the motion.

G. Nelson: All in favor?

M. Childers: Aye

M. Curry: Aye

G. Nelson: Aye

J. Patterson: Aye

G. Nelson: unanimous, see there is cooperation in this Town.

M. Montagne: Marty seconded?

M. Ross [from audience]: Can I ask a question?

Someone: No

M. Montagne: Is it adjourned?

G. Nelson: Yeah, meeting adjourned at, uh, six seventeen pm.

Transcribed to the best of my ability. Micaela Montagne, Clerk of the Town of La Pointe.
Approved as submitted to be used as the minutes for this meeting, December 23, 2014.