

**Minutes**  
Winthrop Town Council  
Special Meeting  
**Monday, January 26, 2004 at 7 p.m.**  
Winthrop Town Office

Attendance: Councilors Kevin Cookson, William MacDonald, Linda Caprara, James Norris, David Rheaume, Patrice Putman, Jayne Despres. Town Attorney Lee Bragg, Town Manager Cornell Knight, Public Works Director David Smith, Larry Stratton, Andrews Campbell, KJ reporter Danielle Gamiz and 20 residents.

The meeting was called to Order by Chairman Cookson at 7:03 pm. Special Council meeting to continue appeal hearing of Larry Stratton.

Motion by Norris Seconded by Despres to enter executive session to discuss a personnel matter with counsel. Vote 7-0.

Return to regular session at 7:53pm.

Chairman Cookson asked Mr. Campbell if he wanted to continue in public session. He said he did want it in public session.

Mr. Campbell said there are omissions in the draft minutes of 1/12/04 that are significant. The reference to a letter correcting the dates should be a factual finding. Reference to the dog kennel should be noted. The time that Mr. Stratton asked for the bits was 6 weeks before August order. The minutes should say that an open meeting was requested. The letter from Mr. Smith to Mr. Stratton to stop telling lies about him was submitted as an exhibit.

Mr. Campbell said his private investigator David Waterhouse found that 2 of the drill bits returned matched the order of August 29, 3 did not. He reviewed the orders of Lawson products over the last year.

Mr. Campbell asked that Ken Buck make a statement regarding employees being reluctant to testify. Mr. Buck said that he talked with Mike Ayotte last summer, and he said you can't talk about somethings because you worry about your job. Mr. Ayotte denied saying such a statement.

Councilor Cookson asked Mr. Stratton about the question asked at the last meeting about didn't talk in the cruiser and if you said the town would not miss them. Mr. Stratton said he didn't say that. Mr. Stratton said he used only one or two of the bits because he wasn't sure what size he needed. He said it didn't dawn on him to bring back the bits after he was done working on the truck in mid July.

Councilor Cookson asked Mr. Stratton if he wants the council to believe his statement over Officer Strucks. He said yes because he knows what he said. Mr. Stratton reviewed

what happened when Officer Struck interviewed him. He said he told him he had 5 drill bits that he borrowed from Dave Smith. Councilor Cookson said that is different statement than the last meeting when he said he had drill bits, but did not say borrowed.

Audio tape not operating at this time.

Mr. Campbell asked questions to Mr. Stratton regarding the police report. Mr. Stratton said the officer was already at the garage when he arrived at work so he did not pull up in the cruiser. Mr. Stratton said he never saw the UPS tracking sheet. The report says that Matt Burnham helped open the boxes, but he said it was Mike Ayotte. When Officer Struck said the statements that he was the only one with opportunity to take the order, he knew it was not true. Mr. Stratton said that dropping his head is his normal posture. He said while sitting in the cruiser he told Officer Struck that he borrowed the bits.

Mr. Campbell asked Mr. Stratton if anyone asked him to return the bits. He said no. Mr. Campbell asked him about his education, he said he had an 8<sup>th</sup> grade education.

Audio tape is operating.

Officer Struck was asked to review the interview with Mr. Stratton on 9/18/03. He asked Mr. Stratton if he had any items from the missing shipment and he said he did not. Officer Struck said Mr. Stratton eventually said he had drill bits and they went to his house and got them. Officer Struck said his body language reacted differently when an intrusive question was asked. Officer Struck said Mr. Stratton never said he borrowed them. Officer Struck said he wrote the report before leaving his shift that day. Why a charge of theft, we had A complaint, we had the property and an admission, the material was sent to the DA.

Mr. Campbell asked Officer Struck if it mattered that the 5 drill bits were not from the August order. He said it didn't matter because it was town property.

Mr. Campbell asked about reading body language and what people do when people are being given false information. Officer Struck said they will deny it. His attitude changed after having given the information that he was the only one on duty.

Mr. Campbell asked about the signed statements, Mr. Ayotte signed a statement, Mr. Smith signed a statement. Officer Struck said he told Mr. Stratton to get in touch with him if he wanted to give a statement. Mr. Campbell said that was not in the report or the word borrowed or insulated connectors.

Mr. Campbell asked if the interview was recorded, Officer Struck said no. Officer Struck said he did not save his notes after the report was written.

Councilor Cookson asked Officer Struck if he stands by his report. He said he does.

Recess at 9:30 pm.

Meeting resumed at 9:45 pm

Mr. Campbell asked questions to Officer Struck about the Lawson order and if Mr. Stratton had permission to take the bits.

Councilor Cookson asked Mike Ayotte if he was present when the August 29 order came in. He said he remembered seeing a box and helping put it away. Mr. Ayotte was asked if he ever heard Mr. Stratton ask to borrow any equipment and he said not that he could remember. . Mr. Ayotte himself borrowed an ice chisel and tow chains on a day-by-day basis without permission. He said he was not punished for that.

Mr. Campbell asked if it was possible that the area was noisy and someone could ask to borrow something and you not hear it. He said yes.

Mr. Ayotte left at 10:10 pm.

Matt Burnham said he was on vacation on August 29<sup>th</sup>. He doesn't remember hearing Mr. Stratton ask to borrow anything. Mr. Burnham has borrowed an ice chisel and a power broom with permission. Mr. Campbell asked about the drill bit box and that it is noticeable when bits are out. Mr. Burnham said the bit box is 3 ½ inches wide by 5 inches long.

Mr. Knight asked Mr. Burnham if he ever asked to borrow the cordless drill as Mr. Stratton had said at the last meeting. He said no. Mr. Knight asked if he had left the wheeler out for Mr. Smith to use over the weekend, as Mr. Stratton said at the last meeting. Mr. Burnham said absolutely not.

Mr. Campbell asked Mr. Burnham if anyone stored a vehicle at the town garage. He said Mr. Smith stored a vehicle in the old garage.

Discussion of reasons for termination, definition of theft charges and conversion to personal use.

Mr. Smith reviewed his investigation of the missing bits and connectors.

Councilor Cookson asked him about the use of the York rake. Mr. Smith said he used his tractor with the town rake on the Metcalf Road because the town tractor was broken. He asked Mr. Smith if he used the wheeler for personal use. Mr. Smith said he had not. He said the town loader was used to take rocks from his field to be used at the Norcross point waterfront. The tanks are owned by Shurtleff company. Mr. Smith said he used the 8' x 12' fencing for his turkeys. He said he has his own cordless drill and has not used the town's drill. Mr. Smith reviewed the issue of hauling ash from the Transfer Station. He said following the hearing on January 12, the DEP contacted him, inspected the site and DEP said he was following the law.

Mr. Burnham left at 10:50 pm.

Mr. Campbell asked Mr. Smith how long he stored the camper at the garage. Mr. Smith said one winter but it did not displace any town equipment.

Discussion on the insulated electrical connectors and the charges against Mr. Stratton. Councilor Cookson said the electrical connectors were not an issue for the council.

Councilor MacDonald asked Mr. Stratton if he had any prior convictions. Mr. Stratton said he had two, one for stealing money and one for stealing a battery. He said he was terminated by the state for stealing money. Councilor MacDonald asked if he had been charged with any other criminal actions, Mr. Stratton said no.

Councilor Norris said at the last meeting Mr. Stratton took several bits consecutively because he didn't know what size he needed to do a specific job, tonight he said he took them randomly to do the job. Mr. Stratton said he didn't know what size he needed to drill the hole.

Mr. Campbell reviewed Mr. Stratton's testimony by asking questions about his intentions of the drill bits, the town policy, him asking to borrow the bits, the police report, and his statements to the police officer.

Mr. Stratton asked the council for his back pay and his job back.

Councilor Cookson closed the hearing portion and directed the council to make a determination.

Each Councilor spoke whether they will uphold the termination.

Councilor Cookson uphold: Norris uphold: MacDonald uphold; Rheaume 30 day suspension; Caprara 30 day suspension; Putman 60 day suspension; Despres 60 day suspension.

Motion by Despres Seconded by Putman enter executive session to discuss procedural issues with the town attorney. Vote 7-0.

Meeting resumed at 12:40 pm

Motion by Norris Seconded by Putman to table a decision on this matter for one week until Feb 2 to allow the town's counsel to have discussions with Mr. Stratton's attorney. Vote 5-2. Yea: Cookson, Norris, MacDonald, Putman, Despres, Nay: Rheaume, Caprara.

Motion by Norris Seconded by Despres to adjourn at 12:45 am. Vote 7-0.

