

Minutes
Winthrop Town Council
Special Meeting
Monday, January 12, 2004 at 7 p.m.
Winthrop Town Office

Attendance: Councilors Kevin Cookson, William MacDonald, Linda Caprara, James Norris, David Rheame, 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 7:00 pm.

Personnel Hearing for Larry Stratton, a public works employee terminated on October 6, 2003. He is represented by attorney Andrews Campbell. Mr. Campbell requested the hearing be held in open session.

Lee Bragg, town attorney reviewed the case for the council and the appeal process referred to in the personnel policy.

David Smith, Public Works Director, showed samples to the council of drill bits, tie wraps, electrical connectors and glass cleaner. He corrected a date in the letter, September 11 was changed to September 18. He ordered supplies from Lawson Supply on August 26. On Sept 4 he received a bill but could not find the supplies. The salesman said they were delivered on August 29 and signed for by Larry Stratton. . He and the salesman searched the garage for them on Sept 11 but could not find them. On Sept 12 he noticed that all the supplies ordered were on the shelves except the drill bits and a box of electrical connectors. He notified the police. On Sept 18 Officer Struck spoke with Larry Stratton and went to his home. Larry retrieved 5 drill bits. Officer Struck spoke with Dave and told him that Larry had told him that he took the bits because he didn't think the town would miss them. Larry was placed on paid administrative leave on that day. On Sept 23 Larry stated he was given permission from Dave Smith to use the bits, Dave Smith denied giving permission. Larry said Mike was present at the time, but Mike said he was not present. During the second hearing, Larry said that both Mike and Matt were present when he asked permission but Matt denied hearing the request. Larry was terminated on October 6.

Mr. Norris asked if Mr. Campbell if he agreed with the language in the letter from attorney Adamson. He said he thought Mr. Smith was mistaken and there may be a question of retaliation. He was not concerned with Gerrity warning. He has concerns about pattern of conduct for using town equipment.

Mr. Campbell distributed a letter of reprimand to Larry from Dave Smith, for spreading lies about the way he ran the department.

Mr. Campbell asked questions of the town manager regarding Article 8 section 5 of the personnel policy, use of town property.

Mr. Campbell asked if Matt Burnham and Mike Ayotte were attending because he sent a letter requesting they be present. Mr. Bragg said the council does not have subpoena powers.

Mr. Campbell asked Mr. Knight about the use of supplies and equipment at the Highway Department by employees and whether he knew about them. Mr. Knight said he didn't.

Councilor MacDonald asked if any of the instances were reported to the town manager, Mr. Campbell said they had not.

Mr. Campbell asked questions of Dave Smith regarding the supplies order, the statement from the police officer, the time records that show Mike Ayotte was working with Larry on August 29th, letter of reprimand, equipment use and the dog kennel.

Mr. Smith denied that he used the loader and wheeler on his property. The loader was used to load rocks to be used at the beach.

Mr. Campbell asked questions of Larry Stratton on the issue of hauling of ashes in Wayne, storage of a camper, hauling loam, loader, cordless drill, the letter of reprimand. He said the police officer took him to his home and he got the drill bits from his garage and gave them to him. He said he brought them home about a month and a half before that and used one of the bits. He said he asked Dave Smith to borrow the bits and the bits that he borrowed were not the ones from the August order. He denied making the statement to the police officer that he didn't think the town would miss them. He said he gets the jelly filled electrical connectors at O'Connor GMC.

Recess called at 9 pm. Resumed at 9:10 pm

Mr. Campbell asked Larry Stratton if he ever made the statement to the police officer, "I don't think they'd miss them." He said he never said that. He asked him if he ever tried to hide the bits, if he was sure the drill bits were not from the order, if he ever intended to take them without permission, he said no to all. He asked if he was given permission to use the bits from Dave Smith, he said he did.

Councilor Cookson asked about the supply order. Larry Stratton said he put away the products with Mike Ayotte on the 29th. He asked who was present when he asked Dave Smith to borrow the bits. He said Mike and Matt were by the lunch room door and he was half way up the steps and Dave came out of his office on the top step and he asked him. He was sure Mike and Matt heard him ask but couldn't be sure. He has not spoken with them about the bits.

Councilor Rheume asked the Town Manager and Public Works director, Dave Smith if Matt and Mike were asked to be present at the meeting. Dave Smith said he had and they both declined. Mr. Knight said he had not asked them.

Mr. Campbell questioned whether there was just cause to dismiss Larry Stratton. And whether he violated town policy since it was not applied in the department. He said it was surprising that there was no communication in the office about the missing supplies. He said it was odd that the order for the supplies is not presented to show that the missing bits are part of that order and that there should have been a photograph of the bits. Mr. Campbell said that Ayotte and Burnham should have attended the meeting to see if they knew who took the supplies. He said Larry Stratton has been forthright in the investigation and had nothing to hide. He thanked the council for their time.

Hearing was closed at 9:35 pm.

Councilor Rheume said he wanted the personnel policy regarding personal use of equipment to be followed by all departments. He said the highway employees should have attended so the council could talk to them and the private investigator should have been allowed to talk with them during the day.

Attorney Bragg said the 10 day timeframe for a decision is instructional only and there is no downside to taking longer and do not violate due process rights.

Discussion about setting the next meeting, who should attend, the criminal proceeding and evidence. Mr. Campbell asked for a decision from the council.

Motion by Rheume Seconded Norris to table this issue until January 26 at 7 pm and instruct the town attorney send letters to employees asking their attendance at the meeting and check with Officer Peter Struck regarding if he is available without disrupting his investigation and instructing the town manager to present said invoice of August 29. Vote 6-0.

Meeting was adjourned at 10:04 pm