

Maine Township Board
Closed Session 05-22-2018

Elected Officials present: Supervisor Morask, Clerk Gialamas, Trustee Jones, Trustee McKenzie, Trustee Sweeney and Trustee Carrabotta.

Others present: Attorney Keri-Lyn Krafthefer

Supervisor Morask: "This is the beginning of the Closed Session Meeting requested and motioned by Trustee Carrabotta, and seconded by Trustee McKenzie, with respect to a 2 (c) (1) worded exception to the Open Meetings Act."

Trustee Carrabotta: "Thank you, Laura, at 6:46...."

Attorney Krafthefer: "Wait, you want a roll call to establish who is here."

Supervisor Morask: "Clerk Gialamas, can you call the roll, please."

Clerk Gialamas: "Supervisor Morask, Clerk Gialamas, Trustee Jones, Trustee McKenzie, Trustee Sweeney, Trustee Carrabotta, as well as counsel from Ancel Glink, Keri-Lyn Krafthefer" all announced that they were present.

Trustee Carrabotta: "Today at 6:30 p.m., for the record, at that time I sat by Kim Jones. Kim Jones, I greeted her and she greeted me. She asked if she could see me. I completed the Road & Bridge review of Billing; she asked if I would step into Denise's Office away from the public. I stepped in Denise's office which is behind the podium and behind the Board there and she accused me of touching her butt for the third time. She said that this third time occurred at the Senior Birthday Party. I denied having touched her butt at all. She became quite adamant. She said if it ever happens again, that she is going to bring action against me. It never occurred. She then stormed out; she stormed out here and stood and sat amongst the other people that are here and she announced that I don't make up these stories. That you did it and it's not to happen again. It has never happened I have never touched her butt. I am not going to be accused of sexual harassment. To go ahead and do this is improper. Now that there has been an outcry, I need to know where this is going to go and how this is going to be handled."

Trustee Jones: "I would like to say something."

Trustee Carrabotta: "And number two is.... number two is..."

Attorney Krafthefer: "Wait, I'm not sure this is an appropriate thing to discuss in Closed Session."

Supervisor Morask: "That's was my point."

Attorney Krafthefer: "Hold on just a minute, I want to look at the language to see if..."

Interruption: Supervisor Morask; "It's not, I have..."

Attorney Krafthefer continuing; "This is what it says: The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or

legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. So, it's not under that., but let me see. The one related to public officials is: The selection of a person to fill a public office, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant. So, we don't have the ability to remove a Township Trustee. So, this sounds like what it really is, this is a mess.

Interruption: Trustee Carabotta: "It's a charge."

Attorney Krafthefer continuing: "Right, so I think what we need to do is, I mean probably just have an independent investigation of what the complaint is and what your response is, and just like kind of document that and certainly we go back and like report back to the Board but then we can make it official record of it and the resolution of it so that everyone's points are considered."

Trustee Jones: "Well, I would just like to say one thing. I didn't storm out; Dave stormed out after he threatened to sue me and have me pay. He was the one screaming. I took him into the office to quietly tell him that I would appreciate if it didn't happen again because that was the third time. The first time I just sloughed it off like it was a mistake. The second time, I was like hmmm, that was a little weird. The third time, it is not an accident anymore and I don't appreciate it, and it's not just me, so I just wanted to finally tell him to put him on notice that he should not do that again, and appreciate and ask him to please not to do that again. And, you're the one that came out screaming saying she accused me of touching her butt."

Trustee Carrabotta: "I said, I said I did not do it; it did not happen."

Trustee Jones: "And you were going to sue me."

Trustee Carrabotta: "That's when you took off and that's when you brought it out to the center area."

Trustee Jones: "No, you brought it out to the center area, Dave actually..."

Interruption: Trustee Carrabotta: "And I don't want to discuss it."

Trustee Kim Jones continuing: "you don't want to discuss it, but you did all the talking, so you were discussing it."

Attorney Krafthefer: "All right, so this is probably something we should not discussing under Closed Session because it doesn't fall within one of the exemptions."

Trustee Jones: "Okay."

Trustee Carrabotta: "So we should be discussing up on the Board?"

Supervisor Morask: "No-that's not... we believe what Keri-Lyn is saying either pursuant to our policy, and we have a policy that's put in place that provides for an investigation of employees"...

Trustee Jones: "Look, Dave, just stop it. That's the point. Stop it. Stop touching me and other female employees; just stop it. That's the point."

Trustee Carrabotta: "So the complaint gets filed and we follow the terms of the..."

Supervisor Morask: "It would either be from the..., I don't know if Kim is anticipating filing a complaint."

Trustee Jones: "I was just putting you on notice."

Trustee Carrabotta: "You were putting me on notice of something that never happened."

Trustee Jones: "It did happen."

Trustee Carrabotta: "I don't know why you are doing it. I don't know..."

Supervisor Morask: "Again, not a proper subject, right, for Closed Session, so..."

Trustee McKenzie: "I think we should like just calm the waters."

Supervisor Morask: "Yes, so everybody can't hear, because this is a private matter."

Trustee McKenzie: "Dave, can we just for tonight..."

Trustee Jones: "I'm fine with that. I'm done. I said what I had to say."

Trustee Sweeney: "Dave, can you just..."

Trustee McKenzie: "No, ...Nobody is going to speak about this tonight. Can we agree on that? Well, I'm sorry, I don't mean to like.....I've been in the control mode for like two days. I'm sorry."

Trustee Sweeney: "And it sounds like there is no intent to take this further which is reassuring."

Trustee Carrabotta: "The matter has been taken too far already."

Trustee Jones: "No. Putting you on notice is not taking it too far. Interruption:Trustee Carabotta; "Its taking it too far...Trustee Jones continuing; That's part of the law actually." Interruption: Trustee Carrabotta: "Because it is false. Because it is false."

Trustee McKenzie: "Again, can we just...look.we know our positions. Oh, sorry."

Supervisor Morask: "No, no, I was going to agree with you. That I do think from what has been stated, that she was putting him on notice, false, not false, so you appear [indicating] to want it to be investigated, right?"

Trustee Carrabotta: "Yes."

Supervisor Morask: "That would fall under the purview of the Sex Harassment Policy that we just passed or under the purview of the Ethics Commission that we have, which is a separate Ethics Commission from Dave's position as Ethics Advisor."

Attorney Krafthefer: "So we can even "Unable to figure out words..."

Supervisor Morask; "Right"...

Attorney Krafthefer; "...so what we can do is use those channels for the Trustees."

Supervisor Morask: "From my memory, that Ordinance has an entire procedure that is followed, and"

Attorney Krafthefer: "So, is there a motion to adjourn out of Closed Session?"

Supervisor Morask: "I would make a motion to adjourn out of Closed Session."

Trustee Jones: "Second."

Attorney Krafthefer: "All in favor."

"Ayes" by everyone in attendance.

Closed session ended at 7:15 p.m.

Township Clerk