



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
OCTOBER 18, 2018 at 6:00PM**

MINUTES

The Special Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Thursday, October 18, 2018, at 6:00 p.m.

Present: Councilwoman Mary Bartolotta Councilwoman Deborah Kleckowski
Councilman Robert Blanchard Councilman Philip Pessina
Councilman Sebastian Giuliano Councilwoman Linda Salafia

Absent: Councilman Carl Chisem Councilman Eugene Nocera
Councilman Gerald Daley Councilman Robert Santangelo
Councilman Grady Faulkner, Jr. Councilman Thomas Serra

Also Present: Common Council Clerk, Linda S.K. Reed
Corporation Counsel, Daniel Ryan, Esq.
General Counsel, Brig Smith, Esq.
Sergeant-at-Arms, Officer Silvestri

Members of the Public: 50+

1. Call to Order

Deputy Majority Leader, Councilwoman Mary Bartolotta calls the meeting to order at 6:17pm. Those present recited the Pledge of Allegiance.

The Clerk reads the Call of the Meeting and Deputy Majority Leader, Councilwoman Bartolotta declares the call a legal call and meeting a legal meeting. She welcomes the public to this special meeting.

Corporation Counsel Daniel Ryan offers the following legal points: Attorney Ryan explains that the Common Council needs seven (7) members for a quorum, but, from his count, there are six (6) members present. There is no quorum to transact business at this meeting, Secondly, under the rules of procedure, in the absence of the Mayor, deputy mayor, and majority leader Thomas Serra, under *Robert Rules of Order*, a presiding officer must be elected.

Councilman Sebastian Giuliano nominates Councilwoman Mary Bartolotta as Chair, *Pro Tem*. Councilwoman Deborah Kleckowski seconds the motion. There being no discussion there is a call for a vote. The motion is approved unanimously with six (6) affirmative votes. The Chair states the matter is approved 6-0.

2. Public Hearing on Agenda Items

A. Public Hearing Opens

The public session opens at 6:22p. Chairperson Mary Bartolotta invites members of the public, wishing to speak, to come to the podium.

Geen Thazhampallath, 71 Ribera Lane: He states that he is here tonight as a Middletown citizen, a concerned employee, and wearing his hat as President of UPSEU Union 6457, the City's middle-management union, which has approximately 45 members. Many of the directives that have been flying, especially from the Mayor's Office in recent days, affect his members so he felt a need to come here to speak. He thanks the Council for this opportunity -- putting this meeting together -- giving them the opportunity to voice our concerns and to speak in defense of our employees. He thanks the community members, who are here, and the many, many more, who are not here, who have voiced their support for our employees, and specifically for the Council Clerk, who is here tonight, doing her duties in a professional manner. He also notes that there is bipartisan support; it's not a Democrat or Republican issue. He also wants to recognize that back in September, when decisions were made, when the resolutions were before the Council, both the Democrat and Republican Town Committees issued statements, saying that this was wrong -- to "out" the names of people, who may have spoken -- men and women, people of color, Caucasians, everybody, no matter who they are, it is wrong to "out" them, which seemed to be motive of the resolutions presented by the Councilman. He thanks the Councilmembers for taking decisive action at that time, overwhelmingly voting -- 9 to 2 or 8 to 3, something of that nature -- and, again, in a bipartisan

way. It wasn't Democrats and Republicans. He states that it says something tonight that the meeting notice that went out was signed by both Democrats and Republicans. It is not it a Democrat or Republican issue, but a community issue as to what is the right thing to do. People have asked him over the past few days that this must be hard on him. He states, no; rather, the time that he has committed over the past year has been a privilege, an honor to stand up to stand up for people – for these professional women – who had the courage to come forward: like Michelle DiMauro, Deborah Stanley, and Linda Reed, who is sitting here tonight and doing her job. They are the ones who deserve the credit for stepping forward as well as the others, who we don't know by name, who stepped forward and have taken the chance and the courage to step forward to talk to Attorney Mason when they had that opportunity. Don't discount that. That is a hard thing to do to say, "I will go against my employer, powerful people like the Mayor – it's a powerful role -- and still have the courage to step forward. He reminds them not to forget that, in that report, it said that people were so scared of this environment, of this building, that they were driving to New Haven to see Attorney mason, or to a third place. Don't lose sight of that. That fear is real and it is what I ask you all to remember. He adds that he realizes that he is probably preaching to the choir tonight, but he needs the Council to remember this and for the community to hear this. He specifically wants to talk about the impact on the City employees -- his union members, not just Ms. Reed -- but the union members, who have been told by directive from the Mayor's Office to comply. Imagine having to make this decision, if this were you. You have a piece of paper, a document, an email. On one hand you are being told that you are being considered insubordinate if you don't turn it in or disclose it, and on the other hand, you have the power of the law – FOI (Freedom of Information Act) – and that you would be potentially violating attorney/client privilege. Let's just use Ms. Reed, who is here. She is working as a professional. He wants to recognize how much this woman has been through, adding that no one should lose sight of that, adding that many of these directives are directed at her. She has an outstanding claim against the City based on her wages, but she is at the center of it. She would be betraying the FPOI laws and you, the Councilmembers for whom she does a great deal of work, which is the basis of her work, if she turns those documents in. He adds, but, yet, he does not want anyone to think that it easy for her to say, "I'm just going to hold on to the documents." It is a very real threat to her, to her job, to her income, to her not being able to pay her mortgage, if she says no to the Mayor. He asks the Council to think about it that way. Does any employee deserve that? No matter where you work, no one should have to face that. He does not care if you are in a company or not. Mr. Thazhampallath offers another very real scenario, noting that just today he had this conversation with Ms. Reed. She said to me that she had come into work and was going to close the door and sit in the office by herself. I asked, "Linda, why are you doing that?" She replied, "I'm scared that the Mayor is going to come down, knock on the door, and demand the records. I'm scared that Councilman Daley may come in on a tirade and yell at me." He asks if anyone thinks that is normal. Is that the place where any of us want to work? Not in a company, not in government, nowhere should that be okay. It's not normal. Ms. Reed has a very legitimate FOI request for some information she has asked for regarding her employment and her pay. She is scared to go get those documents from the Legal Office and from the Human Resources Office of City of Middletown. He asks what has gone wrong in our City government that an employee is afraid to go to Human Resources or to the Legal office. What is that atmosphere or the culture that is broken that allows something like this? He states that, as far as he knows, every place where people work, Human Resources and Legal are supposed to help the employee, not hurt them. He states that what is scary about all of this, adding that he recognizes the bigger issues like separation of powers, adding that the Mayor is trying to take over some of the functions that Ms. Reed (Clerk of the Common Council) and to push the Council out, noting that those are big issues. He is focusing on the specific ones as they relate to these jobs and more micro to her (Ms. Reed, Clerk of the Common Council). He encourages the Council, adding the he knows that they are limited since they don't have a quorum tonight, but we all need to remember that tomorrow at 4:30p.m., the Council Clerk is under some type of directive. It is real. He encourages the Councilmembers -- adding that he has no ill will toward the Mayor – but the way he is acting over the last few weeks and months, the things he has said, the directives, even things that the Mayor has said to Mr. Thazhampallath -- threats to his employment because he has acted as the Union President, as to "how dare he file a grievance." Mr. Thazhampallath states that the Mayor even put in an email that he was being insubordinate, that he was tired of his insubordination. He states that he can produce that email for the Council, adding that he is pretty sure that it is a violation of the law because he can act as the Union President and it has nothing to do with his employment. He states that is where the Mayor took it, a threat to him the same way that he is threatening the Council Clerk. That is not okay; that is not okay for any employee, but that is the atmosphere and culture that exists here. If nothing else, he hopes that the whole community sees that the reason that the report was necessary – that the investigation was necessary -- is this very behavior on the 3rd floor of this building. We should all be embarrassed by this. He apologizes for taking so much time, but states that it is very important. He does not want to seem that we are being unreasonable. If this is truly about knowing why money was spent -- \$40,000, how it was spent – there is an easy way to do that, which is what "kills" us about this. If we want to know that, we can redact bills. That is one option. That is doable by a 3rd party or even Attorney Mason could be trusted to redact the bills, whatever in in these bills, names or otherwise. The documents can be placed in a lockbox, adding that it is unclear what the urgency is that we need to do this before the Freedom of Information Commission gets to have jurisdiction, or even says that it does have jurisdiction, or hears a complaint on this. If the Freedom of Information Commission says to turn over the bills, then we are all reasonable people, who would abide by that. We are law abiding people, but this move is essentially to preempt the opportunity and to get to that information before those jurisdictions, whether legal or before the Freedom of Information Commission has the opportunity to make that decision. Once you release information that is attorney/client privilege, it's out there. There is no putting the genie back in the bottle. He asks the Council not to lose sight of that. Thank you.

Jennifer Mahr, 99 Old Farms East: She states that she is also the Chair of the Westfield Residents Association, but is not speaking in that capacity, but as a private citizen. She states that she is here as a

deeply concerned resident and taxpayer in the City of Middletown. She lives about as far away from as far away from City Hall as one can, but still be in Middletown, and, yet, the circus, which she can see from way out in Westfield, is ridiculous. It's embarrassing and she is present this evening to say that it needs to stop. She states that she and her husband are both graduates of the Coast Guard Academy. As officers, a key lesson that was drilled into their heads from the very first day, a key lesson for public servants, is "Perception is reality." As an officer, the perception of who she was and what she was doing mattered more than who I was and she was actually doing. This did not mean put on an act, whether it meant that she could not afford even a hint of impropriety, and, being a female in a mostly male environment, she had even less wiggle room for her behavior. She recounts that she personally witnessed this principle in action here, in Middletown, on Thursday, January 12, 2012. That evening, Farm Hill Elementary School held a PTA meeting and a "Question & Answer" with the new Board of Education Chair, Dr. Gene Nocera. Dr. Frechette, the current superintendent, Barbara Sengess, the assistant superintendent, and other key school and administration officials. The subject was the screen room at Farm Hill. One side of the room was angry parents, not all for the same reason, and, on the other side, were very defensive school officials. As the evening unfolded, and school officials tried to explain that no wrongdoing had transpired at Farm Hill, parents got angrier, not quieter. By the end of the evening, the comments were personal and Dr. Nocera had to end the meeting because it was such a toxic evening. Less than two (2) weeks later, the principal of Farm Hill was replaced. On March 7th, the Board of Education offered to buy out the Superintendent's contract, and by April, both the Superintendent and Assistant Superintendent were gone. The eventual DCF (Department of Children & Families) report cleared the principal of any wrong doing, but the damage was done and it had happened that night, at the PTA meeting. The Superintendent, Assistant Superintendent, and Principal were so sure that they were right – and they were, technically -- that they could not see the damage of their attitudes and treatment of others people's concerns, what those actions did to the environment that they were responsible for safekeeping. So here we are again: same song, different verse. The reality of whether or not there should have been an investigation into the Mayor no longer matters. She states that she and many, many, many others perceive that City Hall is a toxic, horrible place to work. It seems that rules and procedures established to protect those City workers and taxpayers are neither adhered to nor considered relevant. The common refrain of "my job is danger if I don't comply with the request that is either ethically questionable or outright illegal sounds more like Tammany Hall than City Hall. If there really was nothing to see here, the investigation would have said so in plain English. She states that her perception of the 23 individuals, who spoke to the investigating attorney, is that there is a problem. Period. It no longer matters what that problem is. What matters is that the Mayor is in charge of the work environment and the tone emanating from City Hall. She perceives that to be angry, defensive, and vindictive. She does not see a Mayor bending over backwards in a conciliatory tone to correct any false impressions of how he does his job. What she does see is a continuous pattern of behavior that started with illegal access to protected law enforcement addresses and seems to be continuing with how the FOI requests are handled and other workplace directives. She states that she hears about temper tantrums and the use of foul language and other inappropriate workplace behaviors: in short, a hostile workplace in City Hall. Now, she sees Councilmembers not attending a Council meeting in an effort to try to resolve this issue. So, they are not helping, but impeding any work that the Council could have done to clear up the issue. Therefore, in the plainest possible language, from the people that the Council and the Mayor work for: STOP; Just stop. Taxpayers are not paying for this unacceptable behavior out of public servants. If this persists, it means that you – the Mayor and whoever else aids and abets him in this behavior – don't belong in the job that you hold. Thank you.

Edward McKeon, 76 Pearl Street: He states that he did not intend to speak tonight, but thought he would do so since a roll call was not taken. He thanks all of the Republican members, who are here tonight -- Deb Kleckowski, Seb Giuliano, Linda Salafia, and Phil Pessina – and the two (2) Democrats who came: Rob Blanchard and Mary Bartolotta. He states that he is lifelong Democrat. We live in a world that is deeply divided, often along party lines, he is afraid that he is ashamed of what I he is seeing here tonight: that the Democratic members, adding that he will name them, who are not here, are not here intentionally. They are not here because of a conflict or there is something wrong. It's purposeful. He states, adding that he knows that they are watching: Grady Faulkner – absent; Carl Chisem – absent; ,Gerry Daley, who intended to come, but decided not to come – absent; Tom Serra is ill and has a legitimate reason not to be here; Gene Nocera, Mr. McKeon stating "my heart hurts," – absent. He adds that this is all that he has to say, adding that, as other people have said, what's going on is nonsense. It's intimidation and it needs to stop. He is really ashamed of the Democrats, who did not show up tonight. Thank you.

Christine Bourne, 17 Red Orange Road: She states that she is the president of other City workers' union, Local 466. She had not intended to speak tonight, adding that following Geen Thazhampallath, this is a tough follow. She explains that her members are not here because these members are afraid. The people, who are here, noting that the camera cannot see them, are the Democrat Town Committee members, who care about the City of Middletown, the Republican Town Committee members, who care about the City of Middletown, and members of the public, residents, who also care. She indicates that one side of the room is completely full, which the camera does not show. She states that she is embarrassed. She has lived thru the last fight like this, between the Board and the City, thru the lawsuit and the issues and the Democrats v. Republicans. She recalls that when this Mayor came in, he said that he would make things better, but he has made things significantly worse. She recounts that what happened back in 2010-2011, we were in court, spending hundreds of thousands of dollars, settling lawsuits, changing locks on people's doors so they could not get into work, police presence necessary. We are getting there, but, instead, we are getting to the point where people don't even want to come to work. There are positions open throughout the City, People are leaving, and they are transferring, getting out of here. This is not a place where people want to be. She explains that she represents more than 350 employees. She explains that 23 employees showed up, going to New Haven or wherever they needed to go because, as Geen Thazhampallath said,

they did not feel comfortable here at City Hall. She notes that there are more people, noting that 23 people came forward, which is not the end, but the beginning. This has to stop. She explains that the next FOI request is to force the IT (Information Technology) Director to pull everybody's emails. It is her understanding that, if you are going to take my emails, then I should be notified. No one is being notified; rather, it's to force the staff, force them to take what they cannot get by FOI. She asks why can't we follow the law and go the FOI Commission to get what we are supposed to get. Instead, they take what they want to take, which is not the attitude that she wants from City management. She states that, going back to work tomorrow, she knows that there is a big target on her back, adding that there has been since this Mayor got into office. She recounts that he was part of the Common Council when the issue between the City and the Board happened. She recalls that she has been denied upgrades, transfers and she is totally willing to do it for the 350 people, who stand behind her and ask her to stand there on their behalf. She adds that some people are not as fortunate as she is to have a husband, who has a job. This is wrong. People are losing much more than the respect for these Council people, who cannot even bother to show up. There is an election coming up, noting that it is an important election. We cannot have this. We are worried about \$40,000 of legal fees used to conduct an investigation that this Council voted for. Now losers there are losers, who are complaining about the \$40,000. What we are doing now is spending \$5,000 to figure out what to do with everybody's emails. Two people, who stuck up for the 23 employees, are Mary Bartolotta and Seb Giuliano. Now they want these Councilmembers' emails. So they hire a lawyer, who is going to look at the emails to decide if those emails are confidential or not. So that's not a waste of \$5,000? Keep throwing bad money after a good result. We got recommendations. Let's start with the recommendations and move forward in a positive way. Instead, they are looking to keep moving backwards, punish people, and talk about people. They will keep calling her the witch of the Board of Education. She quips that it's Halloween so she will rise to that occasion this year. She notes that they can tell her children that their mother is mean, noting that this is what certain people have done. They have gone after her kids. She notes that some people moved here to get what they wanted. But maybe it's time for them to move home. She offers thanks to every single Councilmember for doping this, for giving the opportunity to talk. For those who support this, "Shame on you. This is wrong." There were 23 people -- 23 victims -- and there are more. When they get the names, as the lawyers have said, the City will get 23 lawsuits, so \$40,000 is a drop in the bucket. Good luck. Thank you.

Dolly Haddad, 528 Long Hill Road: She states that she cannot say much more than has already been said, but she is present tonight to support the 23 people, who came forward, and put their jobs at risk. She adds that we stand with you, Linda (Reed, Council Clerk). Thank you.

Melinda Brainerd, 32 Warwick Street: She states that she agrees with everything that has been said already. She adds that (Mayor) Dan Drew and (Councilman) Gerry Daley are cowards and bullies for not showing up tonight. She adds that she stands 100% with Linda (Reed, Council Clerk) and the others, who came forward. She believes 100% that there is obviously something wrong for all of these people to have come forward, adding that they did it because they thought it was going to be anonymous. That is being taken away from them and that is not right. She hopes that one of the things that the Council may be able to start to look at is a way to remove people from office. She does not think that the Mayor and Councilman Gerry Daley are fit to serve and we have no way of removing them, adding that this is something that needs to be looked at for the future. Ms. Brainerd speaks to the Council Clerk, saying "I am sorry for everything that you have gone thru." She thanks the Councilmembers, who are present, for doing the right thing, adding shame on those, who are not here. Thank you,

Jenny Lecce, 380 Coleman Road: She first acknowledges her Republican neighbors for electing, proportionately, the largest number of women to represent them on the Council. She notes that this is something that must be said. As for the matter at hand, she believes that there was a window when this administration and the City could have stepped behind this report and said: "How fortuitous. Look what we've been handed. Let's get behind this. Let's have some dialogs. Let's get in front of it." That window seems to have slammed shut. Instead, the response from the Mayor's Office and from a few on the Council has been the most tone deaf response imaginable. It is an embarrassment. She seconds everything that was heard here tonight. It's stunning. She adds that, among the Council, those who chose not to be here tonight and also some people, who are other elected officials in capacities serving our population, some of the people with whom she sits on committees, these people are very good about behind closed doors, but not so great standing up and saying what they stand for or take a stand at all. Perhaps these people really need a few examples. Perhaps these people need some points of guidance. She offers three (3) points of guidance: Susan Bysiewicz, Mary Abrams, and Mary Bartolotta. Please understand this: you may not hear it out front, but women vote. Women don't forget and we are ashamed of what is happening here. Thank you.

B. Public Hearing Closes

There being no further public comment, the public session closes at 6:48 p.m.

3. Discussing and Responding/Taking Appropriate Action Related to the Several Freedom of Information Act (FOIA) Requests Involving Council Documents Related to the Recent Investigation of the Office of the Mayor and the Office of the General Counsel

Chairperson Bartolotta calls on Councilman Sebastian Giuliano.

Councilman Giuliano reads the subject matter listed on the agenda as Item 3.

Councilman Giuliano states that, since there is no quorum and cannot take action, he suggests that we limit those present to discussion what responses could take place through some future action of the entire Council.

Chairperson Bartolotta speaks with Corporation Counsel Ryan (inaudible).

Chairperson Bartolotta asks if the Councilmembers present would like to discuss this now. She asks Councilman Giuliano if he has anything he would like to recommend.

Councilman Giuliano states that one thing that struck him, and from wearing his Councilperson hat, the Mayor actually having met with the Clerk of the Common Council under the guise of a trumped up disciplinary charge that had something to do with raised voices in City Hall and using that as a ruse to tell the Council Clerk that she reports to him, she is City employee, and she will take direction from the Mayor to the exclusion of the Council. Moreover, she will not discuss with the Council what he tells her. Councilman Giuliano states that this was just that he had filed under his hat for future reference. He states that within the last couple of weeks, obviously, that attitude has come out in the open in that the Mayor directed the Clerk to do something that the Council in two (2) votes has made clear that it does not want done. There is a saying that you cannot serve two (2) masters. The Mayor has given the Council Clerk a second master and is threatening her with discipline up to, and including, termination if she does not do what he says. He believes that, as the Council, we should exercise our authority under Chapter III, Section 3 of the City Charter, which allows us to hire such staff as we (the Council) deem appropriate. He thinks that the position of Clerk of the Common Council should be taken out of the classified service, rewrite the job description to make it clear to whom the Clerk of the Council reports, and place it in the non-bargaining, exempt City employees group. He states that he is not sure if UPSEU is going to be happy about that, but he believes that UPSEU has not stepped up to the plate to protect their member, so he does not care if they are happy or not. He proposes that other things should be done.

Councilman Giuliano proposes that the Council, as an exclusive power, convene a Charter Revision Commission and, among the things to look at, is removing the Mayor as the presiding officer of the Common Council, have the Common Council select its own Council President or Council Chair, and brighten the blurry line between the executive and legislative branches, which has been created. Those are just two things that he believes can help start to put things back on track and put them where they belong. He notes that other things are simply things that he cannot do anything about. He states he listened to what Geen Thazhampallath described, knowing that he lives it every day. Councilman Giuliano states that he is a visitor at City Hall, adding that it was his home for six (6) years. Councilman Giuliano states that what Geen Thazhampallath described is not the City Hall that he remembers, adding that he does not remember people walking around on eggshells as they do now. He states that he can throw a "hissy fit" like the best of them, noting the Geen Thazhampallath can testify to that; however, he does not believe that anyone, who then worked at City Hall, feared for their livelihood or feared for their future in those years. He adds that he does not believe that the culture was that way under Mayor Thornton before him. He states that in the past seven (7) years, the occupant of that 2nd floor office on the north side of the building sets the tone for the whole place. If there is mutual respect for the City workforce coming from that office, if that's what sought, then that's what there will be. If there is disrespect, condescension, contempt, then that will create what it creates. He notes that Councilman Robert Blanchard said, "Vote" and as much as we need to take action as a Council and as citizens, in terms of formal departments of the City, or formal ordinances, or formal structures, we also don't want the City to make a permanent solution to a temporary problem. In many cases, the solution to the problem is an election. It's up to the citizens to determine if those, who hold office now, are the ones they want representing them. As Councilmembers, we can change job descriptions, convene a Charter Revision Commission, and rearrange departments, adding that this is another thing that the Charter revision commission should really look at, not so much Charter revision, but the Council. He recounts that, in 2012, the Council approved combining the personnel department with the legal department and make one entity. The Council needs to split that up again, having a separate personnel director and City attorneys, whose jobs it is to represent the interests of the entire City government, not be weaponized to act as the Mayor's law firm. Councilman Giuliano closes, saying that, in asking him what he thinks the Council needs to look at, these are the things that that need to be looked at. Thank you.

Chairperson Bartolotta asks Councilman Giuliano also to read the resolution at Item 4 into the record, again noting that the Council cannot act on it.

4. Discussion and Responding/Taking Appropriate Action Related to the Mayor's Directives to the Clerk of the Common Council Regarding Those Freedom of Information Act (FOIA) Requests and/or Council Documents

Councilman Sebastian Giuliano reads the text of agenda item 4. He states that, once again, these are things that can be discussed, but cannot take any action since there is no quorum.

Chairperson Bartolotta states that, at this point, she would like to take a moment and read a letter into the record regarding the history of the Council Clerk's Office, adding that she hopes that it will give some clarity as to how upside down things are right now. Chairperson Bartolotta reads a letter from recently retired Council Clerk Marie Norwood into the record.

Dear Councilmembers Bartolotta and Giuliano:

You have asked me about the creation of the position of the Common Council Clerk and my understanding of who I reported to when I was in this position.

In 1989, the Common Council voted to have its own Council Clerk. Up to that time, the Mayor's Office staff would out together the meeting materials. The Town Clerk read the warrant at the meeting, and the Mayor's secretary took the notes at the meeting and prepared the meeting minutes.

During Mayor Paul Gionfreddo's term, he acted on a resolution for the Council to have its own Clerk and helped the Council hire a part-time Clerk to prepare agendas, attend meetings, and prepare minutes. I was the successful candidate to get this job in August 1990 where a pane of Councilmembers, including Thomas J. Serra, Stephen Gionafreddo, and William Pallorella interviewed me. This was after an interview with the Mayor's secretary, the Mayor's chief of staff, and the Mayor's office manager.

I was hired with the understanding that I would be working strictly for the Common Council even though I was housed in the Mayor's Office.

Many of the Common Councilmembers wanted their own office, one not connected to the Mayor's Office. They became very vocal after 1995, regarding the Council having its own office.

In July 1997, the Common Council voted to make the Council Clerk position a full-time position and the Council asked then-Mayor Holtzberg to hire me as I had been doing an excellent job for the Council on a part-time basis.

I started as a full-time employee housed in the Mayor's Office, but the relationship of the Council and the Mayor was strained and, shortly after becoming full-time, the Mayor moved the Council to the basement in the old Human Relations Office. At the time of the move, the Mayor's Office still handled paying Council bills and the Mayor signed my time card. Once the Council was housed in its own office, the Mayor informed me that her office would no longer handle any Council affairs, including signing my time card. She said that the Council hired me; therefore, I would have to have them sign for everything and anything.

Once the Council office was established, any idea that the Council Clerk reported to the Mayor disappeared. I has 12 people that I reported to as well as the duties to the Council as a whole. I believe it is what the job description says. There was never any question as who the Clerk would report to or take direction from. It was the Council.

The Council Clerk's position was exempt employee, piggy-backing then 466. After the move from the Mayor's Office, I asked the Mayor's chief of staff, Deborah Milardo, to piggy-back the managers union, then MMPA. She discussed this with the Mayor and the union and, without my knowledge, the union went to the State and asked for the position to be in their union, which the State granted, I was told at the time that the reason it was granted is that the Clerk does not see confidential material. At the time it comes to the Council Office, it is no longer confidential. The Mayor at the time did not fight this.

Even with becoming a union member, it did not change how Mayors viewed the Clerk's position. I reported to the Council and I did not report to the Mayor nor was supervised by that office.

There was a separation of government branches.

Regarding financial procedures, once the Council had its own office, Jim Reynolds set up a financial procedure so that the Council could encumber funds from its own budget and pay the bills. I was allowed to sign my own time card as well. Over the years, the precedent has been that the Clerk staffs the Council Office and performs all duties that the Councilmembers request. The Clerk can pay the bills without the Council's signature or the Mayor's because the requisitions to encumber the money was signed by two members of the Council, one from each party. The Mayor has had nothing to do with the Council budget nor has the Mayor signed for anything originating in the Council Office or spent from the Council budget. Any Mayor at any time could have said since the Clerk's position is a classified system, not union, that the Mayor is the Clerk's supervisor. This has not happened. And the closest time that it did, the Council ended up with its own office.

The ordinance says that the Clerk will be hired by the Mayor upon the recommendation of the Council. It does not say that the Mayor will supervise the Clerk.

Sincerely,
Marie Norwood

Chairperson Bartolotta asks the other Councilmembers if they would agree to have Marie Norwood to the podium to speak to her letter.

Councilwoman Deborah Kleckowski suggests that the Council rules be suspended. Councilman Philip Pessina agrees. With unanimous consent of the Councilmembers present, and with no opposition, Marie Norwood is asked to the podium.

Chairperson Bartolotta thanks retired Council Clerk Marie Norwood for being here this evening, adding that she knows that this is not easy for her. Chairperson Bartolotta states that Mrs. Norwood has expressed how important this is that is why she is here tonight. Chairperson Bartolotta thanks Mrs. Norwood, adding

that her presence this evening is wonderful. Chairperson Bartolotta asks Mrs. Norwood how long she worked as the Council Clerk.

Mrs. Norwood replies, over 27 years. She adds that there were good Mayors and bad Mayors; good Councils and bad Councils. Chairperson Bartolotta replies that we all agree. Mrs. Norwood quips that she has the book if anyone wants to help write it, which elicits laughter all around.

Chairperson Bartolotta asks Mrs. Norwood if she worked under Mayor Dan Drew.

Mrs. Norwood replies, "No, no." She explains that there was a great separation of powers. She notes that under Councilman Giuliano's term as Mayor, there were some strained relationships between the Council Office and the Council, but she never received a directive from him.

Chairperson Bartolotta replies, that there were the normal "ups and downs" of the political world.

Mrs. Norwood replies, "Correct." She states that she has been very lucky and that she has never been in this position. Once the Common Council Office moved into the basement and she was left on her own. She adds that it was a custodian that told her she was moving to the basement, not even the Mayor.

Chairperson Bartolotta asks Mrs. Norwood if this Mayor (Dan Drew) ever told her that she answered to him.

Mrs. Norwood replied, "No."

Chairperson Bartolotta asks if this Mayor (Dan Drew) ever gave her a directive.

Mrs. Norwood replies, "No, no," adding that she "is not sure that she would have." She explains that what she normally did when she got any request that she was very unsure of was to write to the Common Council and ask "yea" or "nay" and she would go with the majority vote.

Chairperson Bartolotta asks Mrs. Norwood how long she worked for Mayor Dan Drew.

Mrs. Norwood replies that's he did not work for Dan Drew.

Chairperson Bartolotta asks how long, in the same building.

Mrs. Norwood explains that Dan Drew was a Councilmember, having filled Councilman Loffredo's term, and then was elected Mayor. She adds that that she retired last year (2017) so she hasn't been here for a year.

Chairperson Bartolotta thanks Mrs. Norwood and asks if there is anything else she would like to share.

Mrs. Norwood replies that she feels for Linda (Reed, Clerk of the Common Council) and would not turn over the documents herself.

Councilwoman Deborah Kleckowski thanks Mrs. Norwood for her years of service and for explaining the longstanding separation of powers. She adds that the issue is having this separation of powers, noting that, if the Mayor, as he deems, is, in fact, the Clerk's direct supervisor, then the Mayor, whomever he is, could come down and tell the Council Clerk, "Hi, I just want to know what Councilwoman Kleckowski asked for today" or "Councilwoman Bartolotta" or "Councilman Blanchard," and, by that very relationship, the Council Clerk would have to give that information under those circumstances, which are now what is happening in some ways. Councilwoman Kleckowski asks Mrs. Norwood to expand on the importance of having this separation so that the Clerk is working with the Council, adding that there are things that the clerk does for the Council, which is only for the Council.

Mrs. Norwood replies, "Correct." She explains that over her years as the Council Clerk, she had 12 bosses as well as the Council itself. She adds that if even a Councilmember came in and asked for information, she never shared with the other Councilmembers. She might have six (6) people come in and ask for the same information and she would produce six (6) separate reports. This provided the Councilmembers with a sense of confidentiality in that office. When it comes to the Mayor, she explains that she would plead innocence if anything was ever asked. She notes that she cannot say that she was ever asked for information, but that she is a firm believer in co-equal branches of government, noting that the Council has what it can do and the mayor has what he can do in the Charter. Mrs. Norwood states that. In the Charter, it does say that the mayor has administration of all City employees, emphasizing that it does not say "supervision;" it says "administration" of all classified positions. It also says that any new job description written is in the classified position, her feeling is that the language is in using the term "classification." The Council Clerk job started as an exempt employee and moved over to the union so that she could get the benefits of the MMEA union way back when. She states that she has never seen anything like this. She notes that there were times that she would get a call from the Mayor's Office and she would be a little nervous because of the strained relationships between the Council and the Mayor. She notes that sometimes what the Mayor sees is the word "Council" written on your forehead and the salvos go at the Clerk, but the Clerk knows at that moment you represent the 12 people on the Council that the Mayor may be upset with. Mrs. Norwood emphasizes that there has always been a distinct division between those branches of government. She adds that if you look at the City's organizational chart, which is kept down in Faith

Jackson's office (Human Relations), it will show that the Mayor and the Council are equal at the top and the Clerk comes below the Council, noting that there is no line drawn over from the Clerk's Common Council position over to the Mayor's Office. It is distinct in the organizational chart of the City of Middletown. That is how she attempted to do the work and she does not understand why . . . part of the problem is the change in the job description in 2014, it now says supervised by the Deputy Mayor, but the Deputy mayor is a member of the Common Council, adding, that to tell the truth, there is no supervision by any Councilmembers in this position and it should state "reports to." She notes that she wasn't supervised in 27 years, adding that she has done more supervision than she has been supervised. She believes that this should be the first change. The other thing that the Council looks is if the Mayor administers all employees for the City, then he can go into any department and direct any employee, noting that he does not do it. There is a chain of command, just like the military, with a Director and Assistant Director, noting that, in the Council Office, it is 12 Council people.

Councilwoman Kleckowski thanks Mrs. Norwood for this clarification and history.

Corporation Counsel Daniel Ryan states that he has as Corporation Counsel under three (3) Mayors for 15 years, adding that he worked with Mrs. Norwood for about 14 years. He states that he had enormous respect for Mrs. Norwood as he believes that she did for him.

Mrs. Norwood replies, "Yes."

Attorney Ryan states that they never had a cross word and worked together perfectly and he wanted Mrs. Norwood to know that.

Mrs. Norwood replies, "Yes, she knows that," adding that they had a good relationship and are still friends.

Attorney Ryan replies, "Thank you, Marie."

Councilwoman Kleckowski asks Chairperson Bartolotta if she would like the resolutions to be read into the record, although the members present this evening cannot act on them.

Attorney Ryan (inaudible).

Councilwoman Kleckowski replies, "Yes, mentioned but not read."

Chairperson Bartolotta adds that we are trying to do all of this in an appropriate way since this is not what we expected, adding that members are taking on different roles than was anticipated. She is fine with reading the resolutions into the record. She states that Corporation Counsel has made it clear that the Council can read the resolutions although we cannot act on them. She states that if they are willing, it is okay with her. She asks if it is acceptable to the other Councilmembers present this evening. There is no objection.

Councilwoman Kleckowski asks that they be read just for the record.

5. Resolutions Pertaining to Agenda Items

Councilman Sebastian Giuliano explains that there are actually two (2) separate resolutions, which would have been brought forward, but which obviously cannot be acted on. To get them out into the public realm, Councilman Giuliano reads the following resolutions:

RESOLUTION

Be It Resolved by the Common Council of the City of Middletown: that, after discussing the several Freedom of Information Act (FOIA) requests involving Common Council documents related to the recent investigation of the Office of the Mayor and the Office of the General Counsel, that the Common Council has determined that these requested materials are covered by attorney/client privilege and that public interest associated with non-disclosure outweighs any public interest of disclosure.

Councilman Giuliano states that that this resolution was sponsored by Submitted by: Councilmembers Mary Bartolotta, Robert Blanchard, Sebastian Giuliano, Deborah Kleckowski, Philip Pessina, and Linda Salafia

RESOLUTION

Be It Resolved by the Common Council of the City of Middletown: that, after discussing the Mayor's Directives to the Clerk of the Common Council regarding the Freedom of Information Act (FOIA) requests and/or Council Documents related to the recent investigation of the Office of the Mayor and the Office of the General Counsel, the Common Council has determined that these requested materials are covered by attorney/client privilege and that public interest associated with non-disclosure outweighs any public interest of disclosure.

Councilman Giuliano states that that this resolution was sponsored by the same Councilmembers. He notes that both resolutions would have been open to amendment on the floor. He states that, had there been a quorum, these are the resolutions that would have likely been moved and seconded, adding that, in the absence of a quorum, they cannot act on it.

Chairperson Bartolotta calls on Councilman Philip Pessina.

Councilman Philip Pessina states that he has been listening here as he has always listened to our employees. He has personally spent a number of years as a City employee and, subsequently, sitting on this Council. He does not recall who said it, but he is embarrassed. He is embarrassed not only for each of us, Councilmember, who is here doing City business. There is a budget issue coming down the road, which needs to be addressed. There is a road bond coming. There are so many things on the Council's plate and the Council needs to collaborate with our City Directors and employees to assist the Mayor's Office in getting things done. Instead, we are here in non-humanistic way. He explains that he says this because, on September 20th, Mayor Drew sent out an email to all department heads and, in essence, he said that they should not accept abuse, humiliation, public berating at the hands of the Council. If they feel humiliated or spoken down to by any of them, they have the Mayor's permission to walk out.

Councilman Pessina states that he thinks that Councilman Daley – adding that he had to interrupt that meeting – Councilman Daley has berated Councilwoman Bartolotta. Actually, Councilman Daley – a fellow Councilperson – has become a bully. (Applause from audience.) Councilman Pessina states that he was at a Chamber breakfast earlier today and there was an anti-bullying proclamation, reminding us to stand up, to be respectful to one another, understand our differences, understand our different opinions, and move forward in positive manner.

Councilman Pessina states that he asks Councilman Daley, who didn't have the courage to come to the meeting tonight to listen to the plight of our City employees. He states that Council Clerk Linda Reed, our Clerk, adding that he has had a lot of dealings with her over the past year or so, notes that he detected when he walked into her office the happy go lucky, the energy to help, to always want to assist just wasn't there. He remarks that our Council Clerk is a professional, but being a professional in the position she has, she had to be the recipient of humiliation, of being spoken to inappropriately, and, now, he understands that she is being threatened because she is doing her job. She has the FOI (Freedom of Information) in her corner and she has legal jurisdiction in her corner. He notes that, one thing about Linda Reed is that she is very, very thorough. He is sad – and is still sad -- that here we have a true professional trying to do her job under the laws and she is being questioned on what she is doing. She is being threatened. It is no place for that kind of behavior. It's bullying. If we are going to be role models for our children, and be role models for our youth and young voters, who want to get involved in government, ladies and gentlemen, we are not doing it. We are turning them off and, in some cases, maybe, just maybe, there are some youthful politicians, people who want to be politicians, who want to sit in these seats, who want to be respectful, who will move forward to do that.

Councilman Pessina states that they -- whether the Council, the Mayor, especially, and Councilman Daley, who he hopes is listening -- are expected to embrace our City Hall directors and employees. He stresses that they could not have gotten the work done, which has been done economically, including the companies that have been brought in, and have the great City that we have, without our employees and our directors. Respectfully embrace them, adding that we may not always agree with their opinions. They are put in these positions and support them financially in the Council to get the work done that we need to have done.

Perception is reality, adding that he mentioned this to his fellow Councilmembers a few during the last few meetings. He has received calls from the public, he has met people on the street, who have had it "up to here." He states that the Council needs to start to change and need to start to be respectful., noting that the lady who sits to his right needs to get all the respect for the job that she does. He has been a director and an assistant director in this City. He emphatically states that he has never, never, never told some one, "If you don't do what I say, I'm going to get you for insubordination." He notes that he knows a little something about insubordination and, a lot of times, your perception of insubordination is a lack of communication, not being willing to sit down and listen to your employees and directors, not being willing to accept a difference of opinions. He emphasizes that the buck stops at that office. Threatening – noting that, since he was a kid, and all of us have been raised this way -- threatening never gets the job done. His mother always said that you get more with honey than with vinegar. There is a lot of vinegar in this City Hall, more than anyone realizes. That is his observations and, now, we should all stop and take a deep breath. He reminds his colleagues that they all need to listen to the rights of the Council, as brought out by Councilwoman Mary Bartolotta and Councilman Sebastian Giuliano, whom the Council we elected to get that investigation done. Maybe this Council should now take that document and look at it and say that this may be the road map for some changes. He reiterates that he, for one, would be embarrassed to walk into this building, day after day, knowing that employees are afraid to speak up, or afraid to make suggestions, or afraid of retribution, because that is what is happening, adding that he hears it from more than Linda Reed, the Council Clerk. He states that he is going to be positive here and say let's move forward and do things that right way, the respectful way. There is no need for bullying. The Councilmembers are being watched by our youth. He states that, on Saturday, he will be speaking to Cub Scout, who asked him to speak on City government, the role of the legislative branch and the executive branch. He will absolutely stress respect, honor, and understanding that City government and service are the most important things that we can do for our community. Thank you.

Chairperson Bartolotta calls on Councilwoman Linda Salafia.

Councilwoman Salafia states that she just took some Ibuprofen, adding that she doesn't know if it is from the dentist earlier today or for this meeting. She states that this is out of control, absolutely out of control and ridiculous. We are here arguing about \$40,000, yet this City has a budget that is out of balance by a

couple of hundred thousand dollars. The Council hands out money like we hand budget out of balance hand out money for just anything, yet we are fighting about \$40,000. She states that, when she looked at the bill and calculated it, in fact, the bill was just about what it should be. She also does not understand what the Mayor and Councilman Daley think they are going to find in these emails. She does not know what they are looking for, some sort of "smoking gun" or some sort of "instructions" given to the investigating attorney. She notes that nothing came out of the report that was earthshattering outside of the fact that 23 people came forward to talk to the investigator. She notes that what these individuals said was not earthshattering, nothing more than what anyone walking thru this building could have seen for themselves. She reiterates: what kind of smoking gun r information are they looking for? If they are looking for the actual names of the people, look around you when you walk thru this building: there are a lot of unhappy faces, a lot of unhappy people. Just pick 23 people, noting they are probably the ones. If not, if they are smiling at you, then maybe they are not one of the 23. She does not get what they are looking for. She asks what this is all about, adding that she doesn't get it. It is so totally unnecessary at this point. The Council has a report, which made suggestions. It is now up to the Council to take those suggestions, noting that whether or not they agree with all of the suggestions is another discussion. They are still fighting over the bill. She adds that she has a very hard time trying to figure out why, as a Council, we need to review the bills and all the information and then decide if there is attorney/client privilege. She states that this makes no sense to her, asking how do we get to determine attorney/client privilege. She notes that she is not an attorney and she does not know the laws governing it. Once she looks at those bills or at that information, she has seen it and cannot un-see it. It makes no sense. She makes the analogy of someone going to the doctor and being asked, "Why did you go to the doctor?" They reply for such-and-such, but there are HIPPA laws in place to even know that someone went to a doctor. She reiterates that this makes no sense whatsoever and is a total waste of time. As Councilmembers, these are basically volunteer jobs and this is waste because we don't have a quorum tonight so cannot do anything. While we can express our opinions, the people, who are here, know our opinions on this: that this is an unnecessary battle and that we have other things that we should be doing without time. The money is spent, and, in her opinion, it was well spent. Now it is time for us to do what we need to do with this information, adding that she wishes there were some way to put an end to this some way to have the court or some other body step in and say, "You are done. You're done. Give it up. Stop Fighting. You are not getting it once and for all." She does not know who that is, obviously the Council passed two (2) resolutions and that should have been enough. She reiterates that she does not know what that answer is outside of going to some court. If someone edifies what that is and how to do it, she is willing to do it

Chairperson Bartolotta calls on Councilman Sebastian Giuliano.

Since he has already spoken once, Councilman Giuliano yields to those who have not yet spoken.

Chairperson Bartolotta calls on Councilman Robert Blanchard.

Councilman Blanchard states that, he said it at the last meeting and says it again: If the Council put the energy into finding out who these 23 individual rather than trying to find how to make them feel safe in the workplace, we would be doing a real service to them and to the City. This relentless pursuit to find out who they are only illustrates why they were afraid in the first and why they should be afraid (Applause.) and why they feel vindictive behavior is heading their way. No one should feel this way in there, whether it's a private sector job or a public sector job, like a City employee. No one should feel this way in any State or City, adding that he is happy that so many people came out tonight, regardless of party affiliation, because it shows that the public will not stand for this type of behavior here at City Hall. He has been saying for a long time that we need a Charter Revision. It is his opinion that money has been spent on sillier things than this investigation. He recounts that, not too long ago, they spent \$40,000 on LED lights to tell us that there is traffic on Route 9, adding that we should just get a billboard that says "Always." His point is that we need to change how things are done here, noting that this starts with a Charter Revision Commission. The Council Clerk should be a political appointee, who reports solely to the Council. In four (4) years, when our term is up, we can make a determination as to whether or not the Clerk continues with the next Council. There should be a clear separation between the legislative and executive branches and, if that means adding an unprecedented 13 member of the Council, so that they Mayor is not the tie-breaker, which is another potential route to go as well. He believes that policies at City Hall also need to be changed so that these grey areas and conflicts of interest are not as prevalent as they seem to be. He believes that not enough attention is being given to solutions for these problems so there are not 23 more individuals, so that 23 doesn't turn into 46 and beyond. No one should feel this way, adding it was not one (1) person who came forward, but 23 people. We need to be sure that our government is reflective of these times, noting that, while it has only been 4 or 5 years since the last Charter Revision, our country, our State, and our communities have changed a lot and we need to make sure that our government is reflective of those changes and that people do not feel threatened or disrespected or harassed for any reason at work. There truly needs to be a zero tolerance approach to these problems. He truly believes these 23 individuals, reiterating that it wasn't a few who came forward, but two (2) dozen, which is a real problem. He states that the Council s not doing its job for them or for the community if we don't change the way we act as a government. It starts with voting, noting that there is an election in 19 days, and a new one that starts right after that. It is an election that impacts our community more than anything, whether the federal level with the presidential election and at the State level, but nothing impacts you more than what happens here at the local level. It's the people up here (Council), who fund your children's education, who decide if your road gets paved, who decide if \$40,000 is enough to address the growing problem at City Hall. It's the people up here (Council) who say whether or not we should be here tonight fixing this or somewhere else because it was just not important enough for them to be here tonight. Thank you and please remember to vote.

Chairperson Bartolotta calls on Councilwoman Deborah Kleckowski.

Councilwoman Kleckowski states that she will not repeat what her colleagues have said, adding that she agrees with them fully. She does want to speak for those sitting here in support of our Council Clerk. She encourages them to send letters to the Council and also to the Office of the Mayor, noting that it cannot be lost that we may sit here and all want a solution. She agrees that there are recommendations, including some that she has tried to get implemented prior to this investigation and we could have moved forward. She adds that, frankly, the Mayor could have looked like a true leader by taking those recommendations, despite his personal feelings, and bring those recommendations to the respective committees and, in true leadership form, review and assess and implement where possible. That all aside, we have someone here, who is under the threat of possible termination tomorrow for insubordination. You have all seen her (the Clerk) struggling thru this evening. No one should have to live like; no one should have to decide between breaking a law and giving up to a directive, mind you, under the Mayor's belief that he is the Council Clerk's direct supervisor. The Mayor is the only one – this particular Mayor – is the only one, who believes that and is asserting that incorrectly. It doesn't matter if it is so or not, adding that, as Jennifer Mahr said, it is the perception. This woman, the Council Clerk, is afraid to go to work tomorrow and not know what is going to happen to her. Councilwoman Kleckowski urges them, though all of this is important, we need to ban together and do what we can to ask this mayor to please change his mind, let the Council and the Office of the Mayor work together to straighten out these issues, but, by no means should an employee's livelihood be threatened because someone doesn't like what occurs. She reiterates: she urges them, adding that they appreciate them being here and now that they have a meeting, call the Office of the Mayor, send faxes, put it on Facebook – do whatever you can to ensure the livelihood of the Council Clerk is kept intact. She states that the Clerk is phenomenal, which has been repeated several times: she is thorough, she is exceptional and should not be under the threat of any Mayor, of anybody for her livelihood. She urges people to step forward and contact all of the Councilmembers, especially those who are not here, and the Office of the Mayor in support of the Council Clerk, who is working so hard. She adds that the Council appreciates that the Council Clerk has been able to hold it together, which is a testament to her professionalism, to sit here through this very difficult time. She thanks everyone for attending and thanks the Council Clerk,

Chairperson Bartolotta calls on Councilman Sebastian Giuliano.

Councilman Giuliano states that he wants to get back to discussion of the initial issue: what to do about the Freedom of Information requests. These things would have been completely unnecessary, especially Councilman Daley's Freedom of Information request, had the Council followed the original plan last August, which was to convene as a Committee of the Whole, go into executive session, and discuss the details of the investigation in that closed environment, which, by law, could then not be disclosed outside of that room. Councilman Daley and a few others managed to derail that process. That offer is still on the table. It is still within the Council's authority to convene as a Committee of the Whole, go into executive session, bring Attorney Mason back here, and answer any questions that anyone wants to ask can be answered in that forum. The other possibility is that, if what Councilman Daley really wants to find out is what justified \$40,000, then the bills can be summarized. If he wants more details than x number of hours at a given rate equals \$40,000, then the bill scan be summarized; that is, this many hours interviewing witnesses; this many hours researching the law; this many hours drafting the report; this many hours in phone conversations with members of the Council; this much time travelling. If what someone wants to know is what you got for \$40,000, there is a way to do that without disclosing details and that should be acceptable to everybody involved. If the answer is "no," then somebody has a different agenda. As a Council, this body needs to either "fish or cut bait." If someone really wants to know what went on in this investigation, there is a way and let's follow that. Also, this arbitrary deadline of tomorrow does not mean anything. No one will be harmed if that information is not turned over tomorrow. A number of people will be harmed if it is. So there is no reason no reason to play brinksmanship with the Council Clerk. Unfortunately, Councilman Serra is ill and Councilman Santangelo is in Florida, attending a funeral. There is no reason the other members of the Council could not be here to address this tonight. He does not know if these Councilmembers just don't care that the person, who is their Clerk, is being ordered by the Mayor to do anything. This particular directive is not the be all and end all. The fact that the Mayor believes that he can issue any directive to the Council Clerk is intolerable and unacceptable. It is a complete slap in the face to a co-equal branch of government that has its own functions and duties to perform. If this is okay with these Councilmembers, then he does not know, he does not have an answer for that, how anybody on this Council, from any party, would tolerate that from any Mayor. This is beyond him. It is unfortunate that they are not here.

Councilman Giuliano reiterates that the Council needs to decide pretty quickly whether or not to convene that executive session or whether we want to say, "Look, what you are going to get is a summary of that bill." That is the 800 lb. gorilla: that itemized bill. The emails are not going to tell anything, noting that they are procedural in nature; there is no substance to any of them, at least in anything that he got. It is the itemized bill that simply redacting a name might not be enough. There may be other information in that bill that would allow someone to conclude who the person is that they are talking about. He does not know why anyone things that they need to know to do their due diligence and exercise their fiscal responsibility over the City's finances – needs to know why, on such and such a day, at such and such a time, the attorney met with this person. That does not help do that. So if that's what someone wants to know, then they want the information for another reason, not to do their duty. He is more than willing to hand over anything that will satisfy any Councilperson to show that Attorney Mason has fully accounted for the \$40,000 that the firm billed the Council, adding that he does not believe that the Council should be doing anything that jeopardizes any City employee, who must have had good reason to seek out the attorney and speak to her.

It wasn't because the employee didn't have anything to do that day. Councilman Giuliano concludes, stating that he believes that this is part of the Council's direction, what the Council should be doing. Thank you.

Chairperson Bartolotta calls on Councilman Philip Pessina.

Councilman Pessina offers a point of order: since the Council cannot do anything this evening in terms of voting on these resolutions, he asks if these items can be added to the November agenda. Would this be appropriate?

Corporation Council Ryan replies that, unfortunately, cannot be done.

Councilman Pessina asks if the items can be placed on that November agenda and reinstitute the matters at the meeting.

Councilman Giuliano interjects, saying that Councilman Pessina means placing this matter on the next regular Council agenda.

Corporation Counsel Ryan replies, "Yes, you can do that"

Councilman Giuliano adds that the sponsors of these resolutions can place it on the next regular agenda.

Councilman Pessina, adds that he believes that his needs to be done because, at that time, the full Council will be here, unless they decide to shirk their duties again.

Corporation Counsel Ryan states that it just cannot be done tonight.

Councilman Pessina replies that he understands that; he just wants to be sure that this doesn't go away.

Chairperson Bartolotta states that she will just take a couple of minutes on the floor.

Councilwoman Bartolotta states that there have been questions tonight from Councilmembers and individuals, asking what can be done; what are the next steps; who can make this determination. At the very forefront of this is that we have the Mayor's Office saying we do not have attorney/client privilege. Then we have the Council side, being told very directly by the investigating attorney, that we do have attorney/client privilege. The Council was also served with a letter from Union representation also telling the Council to be careful about this path that we were taking. The Mayor does not get to be the judge. Only the FOIA (Freedom of Information) can make that judgment.

Councilwoman Bartolotta continues, stating, that to read today, just before coming into this meeting, that the IT Director, under a directive -- as are the Council Clerk and the Town Clerk -- that if they do not give all of the information requested under FOIA, noting that she will not repeat that explanation since everyone in this room probably now knows what that FOI request is -- to the newly hired attorney, Mark Sommaruga, that they will be charged with insubordination.

Councilwoman Bartolotta states that she wants to clarify something with everyone, including this Council, since she is not sure that there is a full understanding: the email that they received from City Attorney Big Smith clearly states that not one person, who sits on the Council at this dais, has any attorney/client privilege with Attorney Mark Sommaruga. None. It sits "with the City, as the City," but yet we are told that we have to turn over our emails. Attorney Mark Sommaruga will make the decisions for us as to what is considered attorney/client privilege and what is not. Attorney Mark Sommaruga cannot even defend his decision at FOI on our behalf. Councilwoman Bartolotta's states that, speaking for herself, how does she turn over information to Mark Sommaruga and explain to the 23 individuals, if they have any issue with what was turned over, that she simply gave this information to someone, knowing she had no attorney/client privilege. She cannot even defend the decisions that Attorney Sommaruga made on her behalf because he works for the City, adding that the City is the complainant if it goes to FOIA because it is the Mayor. The conflict of interest and the contract saying what it says is because the requestor is the Mayor. The attorney (Mark Sommaruga) works for the City -- the Mayor -- he answers to the Mayor.

Councilwoman Bartolotta explains that, when and if Attorney Sommaruga made a poor decision on our behalf and the matter ends up at FOIA or court, the attorney works for the Mayor and the complainant, who are one in the same. Attorney Sommaruga cannot, cannot represent us, but there are directives from the Mayor's Office again to the IT Director, to the Council Clerk, to the Town Clerk, demanding that they do just that.

Councilwoman Bartolotta states, "And they did it today." She continues, stating that that she received an email from the IT Director, adding that she wants to be clear to everyone on this matter: At the very beginning of this matter -- almost eight (8) weeks ago, following the first FOI request from the Mayor that started the whole FOI issue -- she received an email from IT Director Bryan Skowera, that he could NOT fulfill the FOI request. He stated that he could help gather the information, but that he could not fulfill the request. We would have to ask him to do that, would have to give him permission to do that. Chairperson Bartolotta continues, stating that she copied that email back to the Mayor and to IT Director Bryan Skowera and clearly stated, just a few days ago, that she does NOT give permission and to see the email below, which were IT Director Bryan Skowera's own words, knowing that he was NOT supposed to do that.

Councilwoman Bartolotta states that, today, she received an email from IT Director Bryan Skowera:

Councilwoman Bartolotta:

On August 9th, I emailed you, indicating that I would not take action on the FOIA request you had received. Per a directive from the Mayor's Office to produce information accessible on the City's servers to fulfill outstanding FOIA request, I have gathered responsive emails that you have sent, received, and/or documented, you have created, received, and I have transmitted them to Attorney Mark Sommaruga. These documents and emails were retrieved from the City's archive system, which I had access to. These documents have been transmitted directly to Attorney Sommaruga and not shared with any members of the City.

Councilwoman Bartolotta states that she has already explained who Attorney Mark Sommaruga is.

Councilwoman Bartolotta states that this is disgusting. This is a dictatorship, Dictators rule by fear, adding that the fear here is, obviously, these individuals are afraid that they are going to lose their jobs. These directives are to help fulfill the Mayor's own FOIA request. There are no words to describe how utterly disgusting it is. It has been repeated in letters by Gerald Daley to the DTC (Democratic Town Committee) members, saying that he isn't looking for names; they just want the financials. Councilman Daley asserts that he "just wants to understand," but, in the same breath, there is another letter that comes out, saying, if any of these individuals have, or had in the past grievances – wondering aloud how these grievances may have come about -- but if any of these individuals have grievances, then they have no credibility. Again, disgusting. It does not recognize that it comes from a foundation of intimidation.

Councilwoman Bartolotta states that she can only say that she never gave permission for any of her information to be provided. She did ask Attorney Sommaruga if he could enter into attorney/client privilege. Attorney Sommaruga was agreeable as long as the City was. She emailed that information to City Attorney Brig Smith. To summarize City Attorney Brig Smith's response: Councilwoman Bartolotta was essentially told "no."

Councilwoman Bartolotta states that she was willing to work with the City to fulfill this FOIA request – all of them, at this point – as long as it was handled in a professional manner and in a manner to protect the 23 individuals. That is not the case here.

Councilwoman Bartolotta continues saying that, for the Mayor to say that the Council Clerk works for him is just another tactic to show the utter disrespect that he has for this legislative body and this entire process. If all they are looking for is to find out the names of these 23 individuals so they can try to undermine their credibility, she would like to know why. She states that she wishes that they were here tonight to explain why they plastered across every paper and made false accusations – speaking for herself -- directly against her, alluding that we did something wrong. She does not understand. She has done nothing wrong and has stated it over and over again; however, he obviously he does think that he did something wrong, but has to take it to the next level to try to undermine these 23 individuals and to cause them fear for the past 9+ weeks. Again, this is how a dictator works. They can scream and yell at her; caucus can be belligerent because she won't go along with them. She won't say that she doesn't care, because it is an awful situation, but she will be darned if she backs down and allows them.

Councilwoman Bartolotta shares that FOI made it very clear to her on several occasions – on several occasions – that, with this new email FOI request from Councilman Gerald Daley, that he would like "*the opportunity to inspect or obtain copies of public records comprising of emails sent through City of Middletown's email server between January 2nd to October 9th from the following emails. . .*" Councilwoman Bartolotta states that she will not read the addresses into the record, but Councilman Daley is asking for Attorney Mason's emails, where anyone would correspond with her. "*This includes emails to and from and City of Middletown official or employee.*" This means every individual, who was contacted by Attorney Mason. Councilman Daley is asking for this material, yet he claims that he doesn't want their identities. She notes that she also believes that the Mayor has said he doesn't want the identifies, yet every action - - noting that she has stacks of paper (she holds pages up for the audience) -- does anyone know that with these FOI requests, how many emails there have been? Yet they do not stop doing this, knowing it is improper.

Councilwoman Bartolotta asks, at the very least to come from this meeting, is that the behavior stop, we try to communicate as a legislative body with the Mayor's Office to proceed in the healthiest and most professional manner possible, that Attorney Mark Sommaruga destroy those emails that he received, and that this City hires and attorney, that this Council can actually associate with goodwill. If not, then this matter needs to go to FOI and let FOI make those determinations. She notes that, at this point, she does not believe that this will ever happen. She adds that, if she does not hear from the City in response to this statement tonight, she will deny every FOI request and wait for it so it can go to FOI. She reiterates her request that Attorney Mark Sommaruga destroy what he has received.

Councilwoman Bartolotta offers an apology to the 23 individuals, who have had to live thru this, because the Council called for an investigation to stick up for and help the employees of this City and to figure out what was wrong and what was not. To clarify, she poses rhetorical questions: Why would the Mayor go to the papers, declaring his innocence, and then go down this road? Why would we have a Councilman (Daley) obviously orchestrating with the Mayor so the Mayor could give these directives for these FOI

requests, allowing them to continue to do what they are doing? She asks people to consider these questions, adding that she has asked them to stop doing this.

Councilwoman Bartolotta states that there is lot of information to review. She would like to see this all stop immediately. She stresses that this legislative body has a job to do and it is not being done right now. This matter has been consuming. The Council is letting the City down. It's like going back to school to become and attorney since the Council has no one to represent its interests, noting that, with everything they receive something from the City Attorney's Office, they have to sit there and decipher, asking questions such as, "Was the Charter taken out of context?" When you know something is wrong, you know it is wrong. She is willing to continue to do that, but that is not what Councilmembers sign up for. She did sign up and will protect the 23 individuals, adding that she owns that and will continue to own that and continue to do her best to protect them. She reiterates: the Council has a job to do here and we need to be pro-active and actually address the City's needs. It is time for everyone, including the Mayor's Office, to get back to what they should be doing. She remarks that the Mayor will probably say that he has been doing so, but she asks if that also is because he now has five (5) attorneys, if we have accurately counted them.

6. Adjournment

Councilwoman Deborah Kleckowski moves to adjourn. Councilman Philip Pessina seconds the motion. Chairperson Mary Bartolotta calls for the vote. It is unanimously approved with six (6) aye votes. The Chair states the motion passes unanimously. The meeting is adjourned at 7:58 p.m.

ATTEST:

LINDA S.K. REED,
COMMON COUNCIL CLERK

K: review/ minutes – 18 October 18 special meeting – 18 October 2018