

MINUTES OF THE CITY COUNCIL SPECIAL MEETING
HELD ON
FEBRUARY 7, 2018
5:30 P.M.

The special meeting of the Mechanicville City Council was held at the Senior Citizen Building, North Main Street, Mechanicville, New York on Wednesday February 7, 2018.

Mayor Baker: Called the meeting to order at 5:32 P.M.

Roll Call:	Mayor Baker	Present
	Commissioner Dunn	Present
	Commissioner Gilheany	Present
	Commissioner Gotti	Present
	Commissioner McGuire	Present

Mayor Baker led the Pledge of Allegiance to the Flag.

Mayor Baker stated that they would be allowing public comment and as usual you will have five (5) minutes to speak and he stated that the Council probably would not be able to respond to the questions.

Public Comment:

David Hicks of 241 First Avenue stated he is not exactly aware of the entire situation but he is aware there are accusations being made between the Mechanicville PBA and the Mayor of Mechanicville. Mr. Hicks knows they are looking to hire a Mr. Hite to investigate but he is asking for whom, the PBA or Mechanicville? He stated that usually if there are accusations being done the person who performs the accusation usually hires an investigator to research the problems for that point and then it goes to arbitration.

Commissioner Gilheany stated that it is a matter of due diligence of the City Council to investigate the complaint and they need to hire someone outside of the City that doesn't know anyone to investigate the complaint.

Mr. Hicks asked whose complaint is being investigated.

Commissioner Gilheany stated the investigation is for the City to investigate what the PBA brought forth, whether the allegations are true or not.

Mr. Hicks asked if the PBA is hiring investigators.

Commissioner Gilheany stated that she had no idea if they were but the Council was just doing there due diligence.

Mr. Hicks asked if they would be retaining legal counsel for this also.

Commissioner Gilheany stated this is legal counsel doing the investigating and it is someone who knows no one and has no ties to the Community or any person here.

Mr. Hicks stated so basically you are looking for an unbiased view.

Commissioner Gilheany stated that was correct.

Tom Mahoney from The Express asked if the PBA ever expressed to the Mayor the opinion that they were being intimidated and/or harassed or if the PBA asked for a meeting to resolve the situation.

Mayor Baker stated they could not answer that question.

Tom Mahoney stated the grievance was filed on the 19th of January and the following Thursday it was released to the press Mr. Mahoney asked if anyone knew why it was released to the Albany Times Union.

Commissioner Gilheany stated it was not released from the City Council.

Tom Mahoney asked what the grievance procedure was, he stated he asked the City Attorney but he would not comment. Mr. Mahoney asked if this was something that was done by the State.

Commissioner Gilheany stated that is was not actually a grievance, it states it is a complaint so she is not sure if in the contract there is grievance procedures but it is not actually a grievance it is a complaint. Commissioner Gilheany stated legally she is not sure what is what and that is why they are hiring someone.

Tom Mahoney asked if it is necessary for the City Council to carry the economic burden of hiring an investigator.

Commissioner Gilheany stated that since it was presented to the Council she believes it makes it their obligation to do this for the residents.

Tom Mahoney asked why the Council couldn't send it up to the Secretary of State of New York and have them do the investigation.

Commissioner Gilheany stated they did not think of that or look into it. She added that they can look into that.

Tom Mahoney stated the City Council is hiring this independent counsel but he is obviously not independent of the City Council because the City Council is paying the bill.

Commissioner Gilheany stated that is correct.

Tom Mahoney stated that the City Council includes the Mayor is he also hiring him or because he is the subject is he not part of this.

Commissioner Gilheany stated he also has a vote on hiring him.

Tom Mahoney stated in turn he hires his own counsel.

Commissioner Gilheany stated that was correct.

Tom Mahoney asked if that is at the City Taxpayers expense.

Mayor Baker stated that was correct.

Commissioner Gilheany stated she was not sure about that.

Tom Mahoney stated that the Council can have their own lawyer at the tax payer's expense, the Mayor can have a lawyer at the tax payer's expense; are there any limits to the expense the taxpayers will have to pay?

Commissioner Gilheany stated she is not sure if the Mayor can or not.

Tom Mahoney asked how about the City Council is there a cap on to the limit that will be spent on the lawyer, is there a \$5000 threshold, \$10,000 threshold.

Commissioner Gilheany stated the Council has insurance.

Commissioner Dunn stated she has checked into the insurance in reference to when situations occur within the Council, she stated she didn't have a definitive answer as to how much will be covered but she is waiting for that information. She added that like with any insurance policy there is always a deductible.

Tom Mahoney stated that they are not sure if this in fact can all be undertaken by the State of New York and then the City Council would not have to deal with any of it. Tom asked should we make sure of this before we go to the trouble of hiring legal counsel. Mr. Mahoney stated he would expect the State to do this and get an arbitrator to hear both sides and then make a decision.

Commissioner Dunn stated it is not a grievance it is a complaint. She also stated that a grievance has to do with an issue with the contract.

Tom Mahoney asked if the State wouldn't necessarily deal with a complaint.

Commissioner Gilheany stated she did not know the answer to that but they could find that out from their attorney.

Tom Mahoney asked the City Attorney Val Serbalik if this was a complaint.

Attorney Val Serbalik stated he was not sure.

Tom Mahoney asked if there was a procedure in place for this so everyone knew the rules.

Commissioner Gilheany stated that was correct.

Commissioner Dunn stated she would like to clarify. She went on to say that they have been in touch since the complaint with the personnel attorney that handles personnel issues separate from the regular attorney who handles everyday things. Commissioner Dunn stated they have been under his guidance and that is how they have proceeded.

Commissioner Gilheany stated that this was his recommendation.

Tom Mahoney asked if the recommendation was to hire outside counsel.

Commissioner Gilheany said yes.

Tom Mahoney asked if the personnel attorney would be involved.

Commissioner Gilheany stated he would not because he has a relationship with the Mayor and the rest of the Counsel.

Tom Mahoney recapped that the Council will be hiring a lawyer and the Mayor can hire a lawyer and he asked in the end what will this all accomplish.

Commissioner Gilheany reiterated that she is not sure that the Mayor's attorney would be covered.

Tom Mahoney asked if the independent counsel would determine how many of these charges were true or false.

Commissioner Gilheany stated they are hiring the attorney to do an investigation and he will submit a report and then the Council will deal with that.

Tom Mahoney asked if he will investigate the Mayor and the PBA.

Commissioner Gilheany stated he will speak with the chief, the officers, and whoever else he feels necessary and then he give the Council an interim report. Commissioner Gilheany stated there is a limited scope of what he needs to do.

Tom Mahoney asked if this was a grievance could it of been brought to the State.

Commissioner Gilheany stated it could.

Tom Mahoney stated since this is merely a complaint it is going to cost the taxpayers.

Commissioner Gilheany stated that a grievance has certain procedures and she stated she was not sure of the legalities of a complaint but she knows grievances on a contract have a certain order they go through and that there are different levels with a grievance. Commissioner Gilheany stated this was not actually a grievance and she is not sure why they didn't actually file a grievance, and she is not sure why they didn't approach the City Council ahead of time. Commissioner Gilheany stated she didn't have answers for Mr. Mahoney as to why they handled it like this and she stated that in her opinion it is uncalled for.

Tom Mahoney stated at least she is entitled to her opinion.

Nick Rinaldi of 113 Viall Avenue stated he is confused about complaints and grievances. Mr. Rinaldi asked if the complaint was against the Mayor and it involved the Police Department.

Commissioner Gilheany stated that was correct.

Mr. Rinaldi stated that the Mayor should not be involved with what was happening with that complaint and that Commissioner Dunn who has people involved working in the Police Department should not be involved with making the decision with what you are going to do. Mr. Rinaldi asked that if every time there is a complaint will the City hire a lawyer. He went on to say that if he had a complaint with his wife he would go to her and tell her and he wouldn't have to hire a lawyer to decide what we they going to do. Mr. Rinaldi stated that everyone should have sat down together and try and work it out. He also stated that he has had friends call from Troy, Albany, and Saratoga and he said that right now everyone is laughing at Mechanicville.

Commissioner Gilheany stated she could not deny that she totally agrees with it.

Mr. Rinaldi stated that basically we have only three (3) Commissioners that should be able to vote on this since the Mayor shouldn't vote because it involves himself and Commissioner Dunn shouldn't be able to vote because her children are involved. Mr. Rinaldi stated this has gotten out of hand. He stated he has been a union man his whole life, he worked for GE and Momentive. He went on to say that everyone knows what Momentive just recently went through but they tried for months to get a resolution first.

Commissioner Gilheany stated she totally agrees with him.

Mr. Rinaldi asked why something else wasn't done.

Commissioner Gilheany stated that they are at this point because unfortunately it was put out in the paper.

Mr. Rinaldi stated he is sure there could be a retraction in the paper.

Commissioner Gilheany stated this should have been handled in house.

Mr. Rinaldi stated the Council could say this won't be resolved tonight and we are going to investigate these complaints ourselves. He went on to say it is not a pressed issue that needs to

be done tomorrow and that maybe the Council and the complainants involved could sit down and talk it out and see what happens. He said if then no answers get accomplished then go hire a lawyer. Mr. Rinaldi stated he is a taxpayer and the City just lost two (2) businesses (DC Sports, and DiSiena Furniture) therefore we are losing more taxes and now we are going to spend more money. He added we have less money coming in and we are going to be pushing it out and that is crazy. He said snowstorms and overtime are going to cost the City more money. Mr. Rinaldi said he is not sure why the Council is in such a hurry to do this he thinks the Council should table the resolution, sit down with the PBA President, the complainants, the Mayor, the Commissioners and discuss it and then go from there.

Commissioner Gilheany stated that is how it should have been handled but unfortunately that is not how it was handled.

Mr. Rinaldi asked if it should have been then why isn't it. He said "I shouldn't have killed a guy but I did so it is ok". He went on to say you are telling me something is right but you are going to go against what is right and it doesn't make any sense.

Commissioner Gilheany stated that the fact that it was put out to the public.

Mr. Rinaldi stated he doesn't seem to think the public was very interested since only six (6) people showed up to the meeting. He went on to say if it wasn't published in the Express three-quarters ($\frac{3}{4}$) of the people wouldn't know what was going on. He stated using the public was a lame excuse because he stated everyone he has talked to has stated the City is being made to look like fools. Mr. Rinaldi stated that he has proudly lived in the City of Mechanicville for 69 years so when people approach him with this stuff it really makes him sad.

Commissioner Gilheany stated she was embarrassed.

Mr. Rinaldi suggested that the resolution be tabled until the Council could see if the issue could be resolved and if at that time it could not be resolved then they could go ahead and hire a lawyer. He went on to say that if the Council did vote on the resolution he doesn't see how Mayor Baker or Commissioner Dunn should be allowed to vote.

Amy Pickett of 107 Viall Avenue asked who put it out to the public.

The Commissioners stated they did not know.

Amy Pickett stated that her husband has been a business owner since he was 19 years old and they have received a lot of business complaints but they never had lawyers come in they always handled the complaints through HR. Mrs. Pickett went on to say that as a taxpayer she feels it is disgusting we are paying lawyers to come in on a complaint. She stated that she commends our Police Officer for doing a great job but they are Police Officers who put their lives out there and there are people who say things to them every day that they don't like. As taxpayers she thinks it is sad that money is being wasted on this. She went on to say that it is fishy that this came about three (3) weeks after Commissioner Dunn came into office since she has three (3) family members and her best friend on the Police payroll.

David Hicks of 241 First Avenue stated that it is his opinion is that Mayor Dennis Baker and Commissioner Kim Dunn should abstain from voting on this for the simple fact they are involved. He went on to say that Commissioner Dunn has two (2) sons that work in the Police Department so there is an involvement there and that the complaint is in reference to the Mayor about so it should be down to three votes.

Mayor Baker stated he agreed with Mr. Hicks and he asked Commissioner Dunn if she was going to recuse herself. He went on to say that if she was voting he would be voting.

Commissioner Dunn stated that everyone is jumping to conclusions. Commissioner Dunn stated she has only been here a short period of time and that she was not here when this stuff occurred and she went on to say she can't help the office she is in is technically the HR office of the City just like you can't help that your sister is the Mayor's Secretary.

Amy Pickett stated that what she has to say has nothing to do with her sister and that she is a taxpayer.

Commissioner Dunn stated she understands that and that she pointed out her relationship with people and that has nothing to do with it.

Amy Pickett stated that it has nothing to do with her sister it is because she is a taxpayer in the City.

Commissioner Dunn stated she is also a taxpayer and so is everyone that is at the meeting. She went on to say that they are following the process that was advised by the City's personnel attorney. Commissioner Dunn stated that this should be investigated by an independent person that doesn't have anything to do with this. She went on to say that the City has an insurance policy that she is being led to believe that will cover this. She said she understands the concerns of our taxpayer dollars but she said no one is looking to go spend money unnecessarily. She said since this is not a grievance there is a different process. Commissioner Dunn stated there are some new Commissioners so they are trying to get their heads around what they are doing in their everyday jobs and do the best that they can. Commissioner Dunn stated that she just like Dennis could vote if they wanted. She went on to say that she does have sons that work for the Police Department.

Nick Rinaldi stated that her sons do a good job on the Police Department. He went on to say that he still believes Commissioner Dunn should recuse herself because of course she is going to defend her children just as he would. Mr. Rinaldi stated that Commissioner Dunn just stated that she believes the insurance will cover this but he asked what happens if this matter exceeds this money will they still pursue it. He went on to say that Commissioner Dunn stated she thinks the insurance will cover this and that she was waiting to hear back therefore some research had to have been done previously before the resolution was even passed.

Commissioner Dunn stated that a lot of things have been going on at the same time.

Nick Rinaldi stated that if the resolution is voted down then all the work leading up to it was done for nothing because it can't be done. Mr. Rinaldi asked if they knew how much the attorney would be charging.

Commissioner Dunn stated she does not want to debate and she is trying to be fair about this and that this is a personnel matter and they can't say certain things. She went on to say it is not her decision to make if this is found or un-found.

Nick Rinaldi stated the City attorney is present but was the attorney who will be doing the investigation so that he might be able to answer their questions.

Commissioner Dunn stated that is not how this works and she was no longer going to debate the issue and that the focus is not on her and that is what is being done.

Nick Rinaldi stated his focus is not on her it is the issue of him paying more money that he doesn't have, he is a retired senior citizen and his pension doesn't increase.

Dave Hicks stated that the fact Commissioner Dunn has two sons on the opposing side and Mayor Baker is involved they should not be voting. He went on to say he realizes that Commissioner Dunn was not involved before it happened doesn't matter because she is involved in it now.

Commissioner Dunn stated that was his opinion and in the past Commissioners has voted on hiring their children and no one raised a stink then but now everyone wants to raise a stink about voting to hire someone to investigate this issue. She went on to say that no one knows how this investigation is going to end up and that they are trying to do diligence because no one wants to leave this hanging in the air. Commissioner Dunn said they are trying to move on from this by having this investigation done by someone who has nothing to do with the City.

Dave Hicks stated that if it is thoroughly independent and they want to keep it that way then Mayor Baker and Commissioner Dunn should abstain from voting.

Commissioner Dunn reiterated that was his opinion.

Tom Mahoney asked that since this is a complaint and not a grievance will every complaint from a City worker warrant independent counsel.

Commissioner Gilheany said no.

Mayor Baker stated that since he has been here there have been a couple of times that there were complaints and the City did not hire independent counsel.

Tom Mahoney asked then why in this particular case does the City need to hire an independent counsel if they did not do it with the other cases. He went on to say that any lawyer would tell you that once you start precedence, that once you hire an independent counsel on this then all

city workers including DPW or any other department that files a complaint the same thing would have to be done.

Commissioner Dunn stated she could not answer that.

Tom Mahoney said his question was does every complaint warrant independent counsel and in the past every complaint has not warranted independent counsel so why does it in this case.

Commissioner Gilheany stated there are some serious allegations. She went on to say that to her the entire thing is embarrassing. Commissioner Gilheany added that she has no idea why they didn't go to the Council first and she has no idea why they put it out there in the public but now they are put in a situation that a reaction is needed. Commissioner Gilheany said there are a couple items in there that are very serious, if an investigation was impeded that is serious, and if there was a request to change a report that is serious. She went on to say the name calling is inappropriate but who cares it happens and she is sure the officers didn't speak to him very kindly either but, there are a couple serious allegations in there that need to be looked into.

Tom Mahoney stated he is sure there are people in the past that have been unhappy but they don't call a news conference.

Commissioner Gilheany said she cannot explain how this all transpired, why it happened, why they would do that. She went on to say it is embarrassing for them and she doesn't understand why they want to put that out there, and it is embarrassing for the City Council and the taxpayers. She said it was disgraceful.

Tom Mahoney agreed and stated it is not going to help the tax base.

Commissioner Gilheany stated she was appalled by the whole thing and how it transpired. Commissioner Gilheany added it is out there now and it is what it is and she feels they need to do something because she wants answers and so do the taxpayers. She went on to say that she is also a taxpayer.

Tom Mahoney asked to be clear that if another City employee has a complaint in the future will it necessarily lead to an independent counsel being hired.

Commissioner Gilheany stated this is her first time dealing with a complaint and that she has been in office a little over four (4) years and hasn't heard any complaints. She went on to say it raises questions as to why now and she commended Tom for his editorial she thought it was great. Commissioner Gilheany said if life was so bad why they didn't do something before the Mayor got elected. She added if you fear for your job or feel segregated by someone how would you let someone like that be elected to office. She went on to say that if this was filed in October she would not be sitting there now dealing with this. Commissioner Gilheany asked if there was anyone else who would like to comment since she was doing all the talking.

Commissioner McGuire stated she feels they owe everyone involved (the Police Officers, Mayor Baker, the City Council and especially the Taxpayers) an investigation and an explanation of

what is going on in their city government. Commissioner McGuire went on to say that if the information in the complaint is going on they need to find out the truth because it can't be. She added Mechanicville has a lot of networking so they need to find someone who knows none of the Council Members and there is no outside influence so that they can do a thorough investigation and explanation.

Nick Rinaldi asked if anyone knew the legality of whether Commissioner Dunn or Mayor Baker could vote on the resolution or if they needed to recuse themselves from the vote.

Attorney Val Serbalik stated he gave his opinion on that to four (4) members of the council.

Commissioner Gilheany added that you cannot legally keep them from voting, it is not recommended but you cannot legally keep them from voting.

Mayor Baker stated that he is disappointed that it got to this point and that the Council was involved in an illegal meeting that he walked in on otherwise he would not of known anything about it.

Commissioner Gilheany stated they were advised by Counsel that it was not a meeting it was an interview and no business was conducted.

Mayor Baker asked if they were advised information by the Counsel they were hiring.

Commissioner Gilheany stated the information was advised through Jeff Honeywell.

Attorney Val Serbalik stated he also gave the Council an opinion based on a question by one of the Commissioner based on the propriety of that meeting.

Commissioner Gilheany asked if he advised all the Council members because he never said a word to her.

Attorney Val Serbalik stated he received the request the day of the meeting orally.

Commissioner Gilheany stated she didn't find out about it until after the meeting.

Attorney Val Serbalik stated prior to the meeting he advised one of the Council Members who was going to attend the meeting as to what he thought.

Commissioner Gilheany stated it was not a meeting, it was an interview.

Mayor Baker added that if there are four (4) people in the room from the City Council it is a meeting.

Commissioner Gilheany stated they have all gone to things at the Elks and they are all in the room. She asked if that was a meeting.

Commissioner Gilheany added they were not discussing City business. Mayor Baker stated they were spending City money to hire an attorney. He asked if that is not City business.

Commissioner Gilheany stated there is a vote to hire an attorney and that they asked him questions and did not ask him questions about what was on the complaint; they did not ask him to respond on anything. She went on to say they asked him what he does for a living, what his procedures were.

Commissioner McGuire stated they asked him how he conducts an investigation.

Commissioner Gilheany stated they are here tonight to vote on whether they feel what he has to offer will provide a benefit to the Council and the residents of the Community.

Nick Rinaldi asked if only one attorney was interviewed or did they interview more than one.

Commissioner Dunn stated she didn't think they should be getting into this now and that they should move on.

Commissioner Gilheany stated that Mr. Rinaldi had a right to a response and that she had nothing to hide. Commissioner Gilheany went on to say they interviewed just one attorney and he was recommended.

Nick Rinaldi stated that obviously they have spoken to someone else if they received a recommendation.

Commissioner Gilheany stated it was the City's personnel attorney that gave the recommendation. Commissioner Gilheany added that she has nothing to hide and will answer any questions that the public has.

Nick Rinaldi stated he feels that they do a great job but he feels we are making idiots of ourselves. He said he has had issues with his bosses at work and they always worked it out.

Commissioner Gilheany repeated that she has no idea why the Police Department put it out there; she has no idea why they didn't file a grievance, why they didn't come to City Council first with the issues. She stated she doesn't have the answers for that.

Nick Rinaldi asked why the PBA didn't hire a lawyer to do the investigation, why do the taxpayers have to pay for a lawyer.

Commissioner Gilheany stated she totally agrees with him.

Attorney James Walsh asked if they have a collective bargaining agreement with the union.

Mayor Baker and Commissioner Gilheany responded yes.

Attorney James Walsh stated that the collective bargaining agreement has a procedure for filing grievances when the union believes the City is not following the union contract.

Mayor Baker stated that was correct.

Attorney James Walsh stated that the Public Employees Relations Board has the form for objecting to any type of improper labor practices and asked if that was correct. He went on to say that it is his understanding that the union has made an allegation that doesn't comply with the collective bargaining agreement and the Council is going to entertain outside of the collective bargaining agreement. He stated they he wanted to make sure he understands that the Council is addressing the Police Departments concerns when they haven't followed the procedures that have been negotiated and laid out for how the proper way to address issues that come up. He asked if that is a fair understanding of the way this is.

Commissioner Gilheany stated she does not know contract laws and that Commissioner Dunn spoke with the personnel attorney and this is what he advised them to do.

Attorney James Walsh asked if they would agree that the grievance process is the proper way to address concerns the union has with the employer.

Commissioner McGuire stated this is not a contractual problem it is a personnel problem. She went on to say it is a personnel problem it is not a grievance it is handled with complaint.

Attorney James Walsh asked if the issue deals with an alleged perception of a violation of what the protocol is with their employment.

Commissioner Dunn asked Attorney James Walsh if he was there representing someone.

Attorney James Walsh stated he is an attorney and has been consulted by the Mayor and he is at the meeting to understand exactly what it is the City is planning on doing because the Mayor had an allegation made and he believed it was due process to have a defense on that. He went on to say he is interested in what the forum is. He stated you have the employee relation board as one forum and you have a contract that defines the relationship between the employer and the employees and now you are going to create yet another forum when there are two (2) forums that would properly be the more appropriate place for this. Attorney James Walsh said he wants to make sure he understands what the City is going to do and how they are going to proceed so he can best protect the Mayors interest.

Commissioner Dunn stated they would not answer that but she thanked him for his time.

Mayor Baker began reading the resolution 08-18

Attorney Val Serbalik interrupted stating the resolution does not have the letter agreement attached. He added he was asked to take a look at that letter and render an opinion on it and he stated it is pretty straight forward retainer agreement which provides for payment for Mr. Hite at an hourly rate of \$200. Attorney Serbalik stated he suggested to the Council, by email since he

just received it yesterday, that the retainer agreement be amended to include a maximum dollar amount that will be charged and if it exceeds that amount then the Council can agree to negotiate to go further. He stated there is no maximum fee on the agreement.

Mayor Baker asked how everyone felt about that.

Commissioner Gotti stated he personally would like to protect the community as far as dollar amount goes.

Attorney Val Serbalik stated that it doesn't mean the City cannot spend more money or seek additional services it just provides that they will have the general idea of what the dollar amounts will be and if it is going to exceed that amount that you can't be charged any extra amounts without Council approval.

Mayor Baker asked Attorney Val Serbalik if they decide they want to continue going on with that do they have the ability to stop at any time.

Attorney Val Serbalik stated the agreement provides for monthly billing.

Mayor Baker stated he agrees and doesn't want to spend a lot of money.

Attorney Val Serbalik stated they should be made aware of what the cost were so an informal decision can be made.

Commissioner Gotti stated it was his understanding that this would stop at a certain point and then the Council would decide for it to go further.

Attorney Val Serbalik stated that it would not necessarily stop but it would provide a dollar amount. He went on to say you can put in whatever figure you want for the approximate services and if it exceeds that the Council would be made aware of that and get a further estimate. He went on to say it provides for a \$200 per hour payment with no limitations on it.

Commissioner Gilheany stated that when they spoke to him there was a very limited scope on what they wanted him to do.

Commissioner Gotti stated he does not think it is an unreasonable request to put a cap on it.

Mayor Baker stated they wouldn't be able to do that at this meeting.

Commissioner Dunn said they would not be able to.

Mayor Baker asked if they wanted to vote on it.

The Commissioners responded they wanted to continue

Mayor Baker read resolution #8-18

Resolution: #8-18

Motion by: Commissioner McGuire
Seconded by: Commissioner Gilheany

Mayor Baker stated that before they voted he wanted to make it known that he asked Commissioner Dunn if she would be voting and Commissioner Dunn's response was she would wait and see what he did. Mayor Baker went on to say that he already stated he would not vote if she doesn't however if she votes he feels he also has a right to vote. Mayor Baker passed from voting and stating he would come back after Commissioner Dunn voted.

Commissioner Dunn stated you could not pass and come back to vote.

Mayor Baker stated that you could pass.

Commissioner Dunn asked how that was possible.

Mayor Baker asked Attorney Val Serbalik if they needed to vote in order.

Attorney Val Serbalik stated that Robert Rules of Order apply. He stated that as long as he has represented the City the voting has been in a specific order with no exceptions.

Mayor Baker stated he will abstain from the vote because he doesn't think the City should be paying for this.

Commissioner Dunn stated she was going to abstain but she stated she does have the right to vote and everyone has their own opinion. She went on to say all that is being voted on is moving this forward and she would not have been voting on doing the investigation herself.

Commissioner Gilheany stated she does think this is disgraceful but that she does feel she has an obligation to check into some items. She added she doesn't care about the name calling.

Commissioner Gotti stated he has a lot of respect for them to abstain from voting and he stated he was going to vote no, he is not saying he is against the investigation but a valid reason was pointed out to set a cap at the dollar amount that will be spent that will save tax money and it won't be an open bill.

AYES: 2 NAYS: 1 ABSTAIN: 2 Mayor Baker and Commissioner Dunn

Meeting Adjourned at: 6:15 P.M.

Motion by: Commissioner Gilheany
Seconded by: Commissioner Dunn