

Village of Windham Ohio
Minutes of Special Council Meeting
Held July 17, 2021

At 12:06 p.m. the Honorable Mayor Scott Garrett called the meeting to order, via Zoom, stating the reason for the Special Council Meeting was to discuss hiring, firing, and discipline of personnel and led in the pledge of allegiance

Roll Call:	Cheryl Belknap – absent	Lawrence Cunningham – present
	Cindy Cale – present	Cheryl Taylor – absent
	Terrie Altieri – present	Sherri Pennington – present

Also present were: Debbie Blewitt and Rob Neal

Mr. Garrett swore in Debbie Blewitt and Rob Neal.

Rob Neal addressed Council and the following minutes are verbatim (everything in quotation marks is verbatim)

“Okay. Just so everybody can hear me, I just want to make sure again. Umm, I am recording this as well, umm because within a day I couldn’t get in contact with a lawyer, umm an employment lawyer, so I am going that route. And I’m also going to be trying to contact the State Employee Relations Board as well because I feel like this wasn’t properly investigated, all the parties that were there weren’t, didn’t have statements in writing, cause I mean right now it’s he said, she said kind of stuff. Umm, the way I feel because there’s nothing in writing at all and I would like the statements as well, so that I can have them for my record and when I go talk to my lawyer and/or the State Board. Now everything and everybody that I have talked to I’ve talked to, I’ve talked to everybody but Brian because I’m not putting myself in that position at this point, but everybody else that was there assumed it as a joking matter and I believe we wouldn’t have got to this point if it was understood that way. I have not talked to Brian so I don’t know his side of the story, so I can’t be one hundred percent sure but everybody else that was there, myself, Tony, Kevin and Rusty and Brian were all there, and everything from them was it was a joking matter. This brings me to my next points as well, in the violation in the appendix one of the employee handbook, I believe it was a refusal to obey orders, because I believe that there wasn’t a proper investigation in this, not insubordination to a point, I mean it’s how you interpret as well, I just want that to be a part of it. And then going back to, I got the handbook in front of me, I just want to keep it kind of correct for what’s in the book as well, just so you guys know, if you guys don’t have one in there. So it goes under corrective actions, if you go to the third paragraph, it talks about the sequence of corrective actions as well, verbal warning, written warning, probation, and finally termination of employment. This is my first offense and it’s for something I considered as a joke and I did write the apology letter, I just didn’t feel like everything was done right to where I had to go do that on top of other beliefs I had with it, but if it comes down to it and I have to give it to him I will give it to him. It is there at the Village in the dump truck because you know I’m not going to lie I did not, er I did write it and it’s there, everybody has seen it and all that kind of stuff, so it is there. But what also brings me to my next point as well, and I’m going to compare apples to apples, just because of certain things that have happened within this past year, the Village Administrator was out in front of the Administration Building saying very not so pleasant words I don’t want to repeat on this because it is a formal setting, but I don’t know if she was written up, but I do know she did not have to write an apology letter to that customer, one of our water customers and I don’t know how the rest of it was handled but I know she did not have to write an apology letter, so I kind of feel like I am getting singled out and it almost kind of seems like what’s good for the goose is not good for the gander. So, that’s my piece, I just wanted you guys to be aware of everything, if you have any other questions on what happened I’ll give you my side of the story if you would like that as well, so that’s it Scott, if you guys can carry on and I’ll be here for listening purposes.

Cheryl Belknap arrived in the meeting at 12:13 p.m.

Mrs. Cale – “Rob it is up to you whether or not you want to discuss what your side or not. This is your time”

Rob – “Yeah, well the understanding I had we were there, at, on Horn Road, I don’t know the exact address but it’s past Wolf Road, in between Wolf Road and State Route 82 and we were talking and I talked to Brian about his brush at the Post Office. I assumed it was his brush because he takes care of the property and you know we’ve talked to NDS, we’ve talked, NDS is their groundskeepers and Brian as well because he takes care of a couple of different properties and it was basically, you know hey, we uh, you know you get paid to take care of this stuff, we’re not a landscaping, or tree service by that means, the pick-up is for residents of this town not people who get paid to haul the brush away, we do have a spot for you guys and then he got a little cocky with me, saying that we can go to his property out there on 82 at Miller’s Sand & Gravel and talk to Scott because he was out there fishing. So I made a joke and in my better judgement now probably wasn’t the best but I did not say that I would physically touch him, physically, sexually, harass, and/or assault him or anything of that nature, it was a joke of we can sit there and wait for the bubbles to stop coming up and I see how that is a bad thing now but it wasn’t meant to be that way. Everybody that was there, Tony, Rusty, Kevin, you know it seemed like a joke, we laughed, we then started talking about the culvert and how they would, how we would tie said culvert in and laughed, waved and basically got back into the truck and made it back into the Village. That’s my side of the story and how I remember it”

Mr. Garrett – “Alright next question is how we want to proceed. Do we want to go into executive session?”

Mrs. Cale – “Yes, I think we should make a motion to go into executive session. Debbie you’re going to have to put him in a waiting room if he wants to stick around.”

Rob – “I will stick around Cindy, thank you.”

Mrs. Cale – “You’re welcome”

Not Verbatim - There was discussion between Mrs. Cale and Debbie Blewitt on how to place someone in a waiting room.

Mrs. Cale – “We’re going to go into executive session at 12:16 p.m. and we’re going to place Rob in a waiting room. He has been removed from the screen so I am going to assume he cannot hear anything we’re saying. Debbie you can stop the recording now.”

According to the hand written notes, Mrs. Cale made a motion to enter into executive session. This motion was seconded by Mrs. Altieri at 12:16 p.m.

A second recording started

Mrs. Cale made a motion to return from executive session, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote at 12:47 p.m. This motion passed by 5 – 0 vote.

Everything in quotation marks is verbatim.

Mr. Garrett – “Rob, after some discussion, Council believes the initial steps taken by Debbie were spot on and that um they were the bare minimum that needed to be done and as an apology letter to Brian because obviously Brian was offended by it that’s why he brought it to our attention and um it would go into a file as a strike one. Now if you agree to those terms there will be no termination, if you don’t agree to those terms there will be a termination. Now we have another issue that cannot be ignored, Debbie is the supervisor here, she is the person in charge and when you wrote on her paper that you were not going to deliver that paper, that’s insubordination.”

Rob Neal – “But I did not give the specific reason why and I read my book and in the back of it has this meeting at that point to where I could express myself in a better manner, to you know, that’s why I wanted to go this route, that’s why I said I didn’t explain it at the end, I just said I understand and I will not give the letter at the time, I believe it said at the time.”

Mr. Garrett – “The letter, it’s right at the bottom of the letter, it basically.”

Rob Neal – “I can’t remember exactly word for word what it said but I know it said I understand and will not give the letter to him but in the back of the book I was waiting for this opportunity to talk to all of you as well.”

Mrs. Cale – “Let me interject what it says at the bottom of the letter, it says, I understand this letter and I will not give the letter to Brian and you initialed it. Just so everyone is clear on what the verbiage was.”

Rob Neal – “To get everything done because of.”

Mr. Garrett – “I get it Rob, but if you would have said I would like to have the opportunity to speak on this before delivering the letter, that would have been the proper way.”

Rob Neal – “I mean I had to get my kid also and it was the end of the day and I wasn’t allowed to leave until it was done, so I signed it and got it out of my way so I could go get my son. So I knew my next step was the disciplinary action Council or Safety and the progressive grievance process basically, so the rules and regulations Safety Committee.”

Mr. Garrett – “Council wants to make a position to take that to a step further because that seems to be a clear insubordination saying you weren’t going to do something, so there will not be termination but there will be three days without pay.”

Rob Neal – “Okay”

Mr. Garrett – “But you have to deliver the paper to Brian when you come back to work on Thursday.”

Mrs. Cale – “Wait a minute Scott, back up a little bit. The first thing you need to do is give Debbie a copy of it so she can put it in your file to prove that you actually wrote it on your behalf, that way it is in the file for us and you.”

Rob Neal – “Okay”

Mr. Garrett – “At the time Debbie will have a piece of paper for you to sign letting you know it’s going to be in your file. You have a right to know what is in your file. You know transparency. But at the same time we want have it that you are aware of what’s in your file.”

Rob Neal – “Okay”

Mr. Garrett – “You know this is in the long run not a punitive thing, people you know we all make mistakes in life and then you just go on. I honestly, you know, when you’re talking with the public there’s always things”

Rob Neal – “Since this is on the record I also want to note that Brian is my Township trustee and I am a Township resident.”

Mr. Garrett – “Sure”

Rob Neal – “Technically not a general public person, he is an elected official as well.”

Mr. Garrett – “That doesn’t make it any better though.”

Rob Neal – “I get that.”

Mr. Garrett – “You can’t threaten a public official either. And we just, even in jest, you just can’t do that. So you’ve been a good employee for us and we would like to continue that relationship. We just have to have you understand that Debbie is your boss and there is a boss and there is a way that things have to be done and as long as we can get there, we can move on.”

Rob Neal – “Yes, sir.”

Mrs. Cale – “Okay, I just have one thing to say, Rob he would not give up the employee’s name that did it, so just to let you know it was Debbie’s investigation that uncovered that it was you.”

Rob Neal – “Okay”

Mrs. Cale – “Okay. He would not tell me who it was.

Rob Neal – “Okay. That’s fine Cindy, I’m not going to hold it against any of the guys I work with. I enjoy working with them guys and I trust them to the end. You know.”

Mrs. Cale – “So let me just reiterate so that I make sure I have this under control here. You are going to provide Debbie with the letter so she can have a copy of it for your file. You are going to deliver it to Brian the 22nd of July, which is a Thursday. You are having 3 days off without pay. And you will sign the piece of paper stating that that letter is going into your file and you understand the reason why you are getting 3 days off without pay.

Rob Neal – “I understand why, yes. I get it.”

Mrs. Cale – “Okay, I just want to make sure I have it right for the minutes.”

Rob Neal – “So it’s the 27th of July that I come back.’

Mrs. Cale – “The 22nd.”

Rob Neal – “The 22nd. I’m sorry. I’m sorry. And then, so since this Monday I won’t be there the letter is in the truck and I know Tony is probably not going to be there but Andrew or Droop if they can give it to Debbie that day is that fine so it’s in the file.

Debbie Blewitt – “I won’t be there Monday either, they can go ahead and put it on my desk or put it in my mailbox. Is it in an envelope?”

Rob Neal – “Um, no. I don’t have any envelopes at home. Every time I do my water bill I just bring it in so I don’t have an envelope here.

Debbie Blewitt – “Just have them put it on my desk please.”

Rob Neal – “Okay”

Mrs. Cale – “Debbie and Rob before that letter goes to Brian I want you to converse and make sure that is the letter that Rob wrote.”

Debbie Blewitt – “ Okay”

Rob Neal – “I did sign the bottom of the letter as well, Dear Brian, yada yada yada dash Rob.

Mr. Garrett – “But he does need to sign a paper acknowledging he knows it will be in his file.

Mrs. Cale – “I just want to make sure it is not being shuffled.”

Debbie Blewitt – “I just want to make sure Rob understands that not only is that letter going in there, that the actual insubordination write up is going in your file.”

Rob Neal – “Yes, I mean I already signed that one and I figured that one would already be in my file.”

Debbie Blewitt – “Yes, it is in there.”

Mr. Garrett – “If that’s the case, I think we’re all good here.

Mr. Cunnigham – “Hold on one second, you are willing to do all of that, right?”

Rob Neal – “Yes. I got the letter to turn in the 22nd of July. I’ll talk to Andrew or Droop Monday. I’ll probably, you know it’s in the dump truck now unless it got moved yesterday because I was off with pay yesterday, I don’t have physical control of it from yesterday because I was not at work.”

Mr. Garrett – “Sure.”

Mr. Cunningham – “One slight bit of advice somebody told me once is just know your audience.”

Rob Neal – “I understand Mac.”

Mr. Cunningham – “You may have been joking but you guys don’t know each other like that.”

Rob Neal – “Yes, sir. I get that Mac, at this point I’m kicking myself in the butt because of that. You know, we don’t need to be in this position um a joking manner.”

Mr. Garrett – “Absolutely.”

Mrs. Cale – “Anything else.”

Mrs. Altieri made a motion to adjourn the meeting. The motion was seconded by Ms. Belknap and carried by a 5 – 0 vote at 12:57p.m.

Respectfully submitted,



Cheree M. Taylor, Clerk of Council

Attest,



Scott Garrett, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.

