



# TOWN OF HAYMARKET TOWN COUNCIL

## EMERGENCY MEETING ~ AGENDA ~

David Leake, Mayor  
<http://www.townofhaymarket.org/>

15000 Washington St  
Haymarket, VA 20169

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Wednesday, December 18, 2013

5:30 PM

Council Chambers

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### **1. Call to Order**

### **2. Agenda Items**

A. Mayoral Veto - December 17, 2013

### **3. Adjournment**



TO: Town of Haymarket Town Council  
SUBJECT: Mayoral Veto - December 17, 2013  
DATE: 12/18/13

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The Clerks' office received a veto from Mayor Leake. Please find that veto attached.

**ATTACHMENTS:**

- Mayor Leake Veto for 12-16-2013 Special Meeting (PDF)
- 12-16-2013 Draft Minutes (PDF)

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## MEMORANDUM

**To:** Jennifer Preli, Town Clerk  
**From:** Mayor David M. Leake  
**Date:** December 17th 2013  
**Subject:** Notice of Veto

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Jennifer,

Please record the following comments into the official meeting record/minutes for the December 16<sup>th</sup> 2013 town council meeting books as per the charter requires.

As Mayor of the Town of Haymarket, I hereby veto the following motions with objections (a-f)

- 1) to form an internal investigation committee to investigate allege charges of personal matter of a “town employee’s.”
- 2) censure the Mayor
  - a) The council had already taken action on December 2<sup>nd</sup> 2013 by agreeing to hire an independent investigation firm as recommended by the towns legal firm.
  - b) It was the professional recommendation by the investigation team to proceed in this independent manner given the sensitivity and nature of the allegations.
  - c) An “internal” investigation that is led by council members who are not experienced or licensed in this field compromises this investigation.
  - d) Council member Jay Tobias would have a direct conflict of interest should he be allowed to serve on this committee.
  - e) Council member Jay Tobias and Rebecca Bare conducted several meetings with the “town employee” just days prior to the meeting regarding this issue.
  - f) Motion to censure was based on my decision not to come forward and disclose the names / sources of the allegations to the entire council. As the Mayor, was advised by the professional team this disclosure would compromise the investigation.

  
David M. Leake, Mayor



# TOWN OF HAYMARKET TOWN COUNCIL

## SPECIAL MEETING ~ MINUTES ~

David Leake, Mayor  
<http://www.townofhaymarket.org/>

15000 Washington St  
Haymarket, VA 20169

Monday, December 16, 2013

7:00 AM

Council Chambers

A Special Meeting of the Mayor & Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 AM

Mayor David Leake called the meeting to order.

### 1. Call to Order

### 2. Roll Call

Councilman Steve Aitken: Excused, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

### 3. Closed Session

#### A. Enter into Closed Session

Move to enter into closed session pursuant to 2.2-3711 A1 for Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, specifically **Performance Review of Town appointed officials**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rebecca Bare, Councilwoman  
**SECONDER:** Jay Tobias, Vice Mayor  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

#### B. Certification of the Closed Session

Move pursuant to VA § 2.2-3712 to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Steve Aitken, Councilman  
**SECONDER:** Rebecca Bare, Councilwoman  
**AYES:** Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

#### C. Enter into closed session

Move to enter into closed session pursuant to 2.2-3711 A1 for Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, specifically **Performance Review of Town appointed officials**

Attachment: 12-16-2013 Draft Minutes (1701 : Mayoral Veto - December 17, 2013)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rebecca Bare, Councilwoman
<b>SECONDER:</b>	Katherine Harnest, Councilwoman
<b>AYES:</b>	Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake
<b>EXCUSED:</b>	Steve Aitken

#### D. Certification of the Closed Session

Move pursuant to VA § 2.2-3712 to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rebecca Bare, Councilwoman
<b>SECONDER:</b>	Katherine Harnest, Councilwoman
<b>AYES:</b>	Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake
<b>EXCUSED:</b>	Steve Aitken

#### E. Form a Committee

Move to will appoint Aitken and Tobias as a two member council committee to work in conjunction with the Town Attorney and the Town Attorney's office and any outside sources deemed necessary to investigate certain alleged personnel matters pertaining to certain town employees and that committee shall conduct their investigation with the full support of the Council and that committee shall conduct the investigation in an efficient manner as possible and provide a report back to Council, as soon as possible, probably in early 2014

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Milt Kenworthy, Councilman
<b>AYES:</b>	Bare, Harnest, Scarbrough, Kenworthy, Tobias
<b>EXCUSED:</b>	Steve Aitken

#### F. Censure Mayor David Leake

Move to censure Mayor David Leake for his failure to cooperate in the current matters relating to the personnel investigation by fully disclosing information that he is withholding from the rest of the Council

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Milt Kenworthy, Councilman
<b>AYES:</b>	Rebecca Bare, Mary-Lou Scarbrough, Milt Kenworthy, Jay Tobias
<b>NAYS:</b>	Katherine Harnest
<b>EXCUSED:</b>	Steve Aitken

## 4. Adjournment

### Motion to Adjourn

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Tobias, Vice Mayor
<b>SECONDER:</b>	Rebecca Bare, Councilwoman
<b>AYES:</b>	Bare, Harnest, Scarbrough, Kenworthy, Tobias
<b>EXCUSED:</b>	Steve Aitken

Submitted:

Approved:

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 Jennifer Preli, Town Clerk

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 David Leake, Mayor

DRAFT

Attachment: 12-16-2013 Draft Minutes (1701 : Mayoral Veto - December 17, 2013)