

# Irvington council remains in turmoil following audit report, resignations

by AnnGardner Eubank

IRVINGTON—Mayor Albert “Tripp” Bugg, town clerk Sharon Phillips, zoning administrator Lara Brown and town attorney Nancyellen Keane in Irvington have all resigned, or announced their intentions to do so.

While Bugg and Brown had previously announced their resignations, Phillips’ and Keane’s intentions became more apparent at the Thursday, June 10, town council meeting during heated discussion surrounding the release of an investigation and financial audit report. A lengthy closed session on personnel concluded the meeting.

At a special called meeting on Tuesday, June 15, council in a 4-2 vote appointed council member Frances Westbrook to serve as interim mayor. Council members Bonnie Schashek, Frances Westbrook, Wayne Nunnally and Jackie Brown voted in favor of the appointment; Anthony Marchetti and Dudley Patteson, against. In a unanimous 6-0 decision, council appointed planning commission member Chris Braly to fill the council seat vacated by Westbrook. Marchetti was appointed vice mayor.

Council previously accepted Phillips’ resignation and her last day will be June 30. Brown’s last day also will be June 30, while Keane indicated she will continue to serve through the special election to fill the mayor’s post vacated by Bugg.

## June 10 discussion

During the June 10 meeting, Marchetti called for each council member to resign from their position in an effort to



Lancaster County Clerk of Circuit Court Dianne Mumford (right) swore Frances Westbrook (left) and Chris Braly into office as interim mayor and interim council member last night during a special called meeting. Westbrook was appointed by a 4-2 vote. Photo by AnnGardner Eubank

give the residents of Irvington a “clean slate” following the report.

The town had been under an audit and investigation for the past several months following accusations of misappropriation of funds made by Klaus Schashek, town resident and spouse of councilwoman Bonnie Schashek. During council’s December 10, 2020, meeting, Klaus Schashek specifically alleged the town

misappropriated funds for the trolley, a one-time bonus for the town attorney and for a payment to Lilian Merrill. He also claimed the town balance sheet has been a “total mess since

August,” and that the CARES Act funds were co-mingled with general operating funds. Additionally, Klaus Schashek alleged that a contract with Flack Shack should not have been signed by the mayor and that the town attorney should have objected to the contract.

The investigation, which was conducted by accounting and advising firm O’Hagan Meyer, found most of the allegations to be false, with the exception of minor clerical errors. The report states, “Our investigation concluded that the Schashek allegations of December 10, 2020, regarding any financial misappropriations are unfounded, while the remaining allegations highlight only clerical errors, most of which had already been corrected.”

Additionally, the report advises council to refrain from demeaning language towards others. The report suggests “Council is advised to refrain from utilizing language that could be construed as derogatory or defamatory. This is particularly true of statements made during public meetings and on the record, but this advice applies with equal force to comments made during executive sessions and/or in interactions with the general public in any kind of official capacity. This should not be construed as advice against any criticism whatsoever, but it should be construed as advice to choose words wisely.”

During his report, Bugg commented on the findings of the investigation and shared his dismay of the entire situation

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## Irvington council in turmoil

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which he described as “avoidable,” and acknowledged ongoing poor treatment of staff.

“I want to personally thank the staff for being so professional and for staying throughout the investigation. No one should have had to endure this experience, least of all the people who did nothing wrong. This was embarrassing and unprofessional. During my tenure as mayor, I have witnessed numerous examples of unacceptable behavior by some members of council in the form of gratuitous threatening and derogatory comments and actions towards staff,” he said.

Despite several demands from the public for an apology from Klaus Schashek, he instead claimed he never accused anyone of criminal activity, saying “Let me just tell you that first of all, I never accused anybody of criminal history. That is, was never the case. If I thought there was a criminal mischief, I wouldn’t have talked to you. I would have informed law enforcement,” he said.

Once this partial report, which omits further findings within the town government, was released to the public on Friday, June 4, dozens of town residents attended the June 10 meeting to express their frustrations regarding council’s behavior. Many also demanded complete transparency and urged council to release the full report.

Resident Gabe Del Rio expressed his frustrations with the entire situation, particularly regarding the treatment towards staff and the lack of a full report.

“So, it’s not at all surprising to see that the staff and the town attorney did nothing wrong, and were completely vindicated from Mr. Schashek’s ill-informed accusations,” he said.

Del Rio also voiced concerns of what the long-term effects of this investigation may be.

“What else don’t we know, and what will that cost us? This investigation has been very expensive. Over 4,000 documents were reviewed, over 13 interviewees by CPAs and attorneys. Our future insurance costs are likely to increase. We may be limited to our deductible right now; our premium in the future will likely go up. This is really a financial disaster, and the aftermath is going to last for years to come,” he said.

Resident Greg Kirkbride also stated concerns with the costliness of the investigation. “These allegations and a requirement to answer them exacted considerable cost in the funding of this audit and the disruptions of the town governance and business during this critical time and cru-

cially to the lives and service of dedicated town employees,” he said.

Kirkbride also mentioned his frustration with council and their lack of civility with one another.

“I am under no delusion that the individual who made the allegations of financial misappropriation and mismanagement was alone in conjuring them up. There seems to be a group of persons in this town who are bent on obstruction at best and to the destruction and dismantling of our town, worse, it’s difficult to speculate on motives,” he said.

Resident and planning commission member Brian Forrester shared similar sentiments regarding a lack of unity and civility within the council, and was particularly frustrated with the treatment of town staff.

“There have been multiple attempts by Klaus and members of this town council to belittle and ultimately remove Sharon and Nancyellen over the past year. These claims made towards the town staff have all been smoke, no fire, a witch hunt. So, I ask, what is really going on here? Why are some of our elected town council members trying to force out talented tenured town staff like Sharon and Nancyellen who by the claim, by the report’s own admission have done nothing wrong and, if anything, (they) are overworked and under compensated,” he said.

Irvington Business Association president and resident Sam Van Saun voiced similar concerns as Kirkbride and Forrester, and further demanded the release of the full investigation.

“I call for, and expect, the entire report to be released to the residents of Irvington. Redact the personal identifying information, fine, but we deserve to know what has gone on behind the scenes. If any one town council member does not want the full report to be released, that tells me they have something to hide,” she said.

Resident Ann Meekins also demanded transparency from council by releasing the full report.

“Due to not having the full report, it’s hard to make the necessary recommendations on how to move forward. It is obvious to me that we cannot continue to operate as usual,” she said.

Residents Mary Burgess and Carol Biscontinni also voiced their interest in seeing a full report during the public comment portion of the meeting.

### Keeping it confidential

Despite the demands of residents, council voted 4-2 in favor of keeping the full report confidential following the closed ses-

sion. Council members Bonnie Schashek, Westbrook, Nunnally and Brown voted in favor of not releasing the report, while Marchetti and Patteson voted against keeping it confidential.

In a request for comment as to why they voted against releasing the full report, Bonnie Schashek hung up the phone. Brown, Nunnally and Westbrook offered “no comment.”

Marchetti said he voted in favor of the release of the full report because it’s in the interest of the public whose tax dollars funded the investigation, as well as it just being “the right thing to do.” Patteson had similar motives as to why he voted in favor, saying the people of Irvington deserve more than they are getting.

Prior to the closed session during a roundtable discussion, Marchetti proposed an unorthodox proposition to his fellow council members in an effort to right the wrongs within what many have described as a dysfunctional governing body.

“I think there is an opportunity for us as a council to try to do something to repair the reputation of the town and give the people a chance to start fresh and maybe move forward wiping the slate clean, so my proposition—which will be a conversation—is that all six town council members resign right away and we go out with Tripp Bugg, and we let the town start fresh,” he said.

Patteson was in favor of the suggestion, saying it would allow for the town to “reboot and reset.”

Nunnally was opposed to the idea, saying he did not think

quitting was the answer. “You can put me on the pole on that and run me through the streets because I do not intend to resign,” he said.

Westbrook said the proposition was worthy of considering, but she would need more time to think about it.

Marchetti also championed the need for transparency for a government to function as it should, and called upon residents to continue demanding accountability from their representatives.

“Residents of Irvington should demand transparency and have the utmost concern for the repetitive behavior that continues amongst council members and actions that are detrimental to the town. Actions that leave the town vulnerable to lawsuits as stated in the footnote, the first footnote of the published report. I hope somebody asks for accountability. I hope the residents ask for accountability. I hope residents will be vocal and take action; it is the only way it is going to change. Residents should also be concerned because we may now no longer have a very important necessary checks-and-balance in our government if the staff leaves,” he said.

Patteson called for Westbrook to remove herself from consideration for interim mayor, as well as resign from her position as chairman of the budget and finance committee.

“Though she certainly has the experience to serve, her unfounded allegations and derogatory language during the January 7, 2021, meeting used

against staff, and according to the public report, have potentially put the town in harm’s way and these readily should show override any experience she brings to the table. I am also aware that prior staff have alleged that they have been similarly treated by Ms. Westbrook and Ms. Schashek. This demonstrates a continuing pattern,” he said.

Westbrook stated she would like time to prepare a written statement prior to making any apology or similar statement.

### Other business

Del Rio is leading a group of volunteers in forming a Fourth of July Parade on Sunday, July 4.

While the town budget this year excluded funding for the traditional celebration, Del Rio and other residents are organizing a parade at no cost to the town.

According to Del Rio, while the Irvington Business Association will be putting up the money for a road closure that afternoon, an endorsement from the town for an event is needed in order to get the road blocking.

Nunnally moved to endorse the volunteer parade as an event and Patteson seconded. Council unanimously endorsed the event, 6-0.

Additionally, council unanimously adopted a fee rate schedule, 6-0, and re-adopted the current transient occupancy tax rate of 4%.

Council also unanimously adopted and appropriated a fiscal year 2021-22 budget, totaling \$346,471.



# Procedural discussion delays Irvington meeting, council eventually conducts business; town attorney officially resigns

by AnnGardner Eubank

IRVINGTON—Before even approving the meeting’s agenda, members of Irvington town council came to heads during a debate of what justifies the need for matters to be discussed in closed session versus during open meeting.

Initially listed on the Thursday, July 15, agenda for closed session was a discussion for personnel matters concerning the positions of town attorney and town clerk.

Chris Braly, the newest member of council, moved for the deletion of any discussion regarding the town attorney, Nancyellen Keane, during closed session.

“I don’t think there’s anything regarding the personnel matters as defined in the rules for closed session that we need to discuss. We have a town attorney, she is under contract, she has no performance issues, so I don’t think that there’s anything that we need to discuss in closed session. Second, the town attorney has expressed to me personally that any discussion with her position, she’d like handled in open session,” Braly said.

Councilwoman Jackie Brown noted that historically any personnel matters had previously been discussed in closed session and that she didn’t think discussion in open session would be appropriate.

Braly reminded council there are only several specific reasons for entering closed session.

“Is the personnel issue relating to disciplinary problems, performance issue—are we conducting a performance review for the town attorney? We need to be specific in what we want, and if it does not meet the guidelines, we are not allowed to go into closed session,” Braly said.

Councilman Anthony Marchetti echoed some of Braly’s concerns and asked what they were to discuss during closed session.

Interim mayor Frances Westbrook said the topic at hand had to do with Keane’s announcement that she planned on resigning, which was made as former mayor Albert “Tripp” Bugg stepped down from his position last month. Former town clerk Sharon Phillips has since resigned, and zoning administrator Lara Brown has also submitted her resignation.

Marchetti added that because Keane had only stated her intentions to resign and had not yet done so, there was no need to go into closed session regarding her circumstances.

Councilman Dudley Patteson agreed with Braly and Marchetti, and commended Keane on how she’s conducted herself concerning her intentions of resigning.

“I respect the transparency of the town attorney,” Patteson said.

Councilman Wayne Nunnally said he thought it was a matter that should be discussed in closed session.

“Can we get on with the town’s business instead of discussing personalities? We’re evolving into discussing personalities, ‘I like this person, you like that person, so I’m going to protect this person and you protect that person’—that’s not what we’re here about. We’re here to discuss the business candidly and openly in closed session,” Nunnally said.

Braly reminded council that going into closed session lacking the necessary specifics of what would be discussed would be illegal.

With the motion made by Braly still on the floor, interim mayor Westbrook lead a roll call vote. Braly, Marchetti and Patteson voted in favor of deleting the personnel discussion of the town attorney from the agenda while Brown, Nunnally and councilwoman Bonnie Schaschek voted against it. Westbrook was left to break the tie, in which she voted against the motion and it failed, 3-4.

## On with the agenda

After a near 20-minute discussion of the agenda, council moved on to the public comment segment of the meeting.

Sam Van Saun, president of the Irvington Business Association, spoke up about her concerns of how council had just voted in regards to the closed session discussions.

“I want to go on record point-

ing out that four people have now voted against the legal permissible reasons for going into closed session. Jackie Brown, you voted against the legal reasons to go into closed session; Bonnie Schaschek, you voted against the legal reasons to go into closed session; Wayne Nunnally, you did; and Frances Westbrook, you did. This is how y’all got yourselves in trouble in the first place: by doing illegal things. Just stop; just follow the rules,” she said.

Resident Ann Meekins had also submitted a letter to be read during public comment, urging council to listen to the town attorney’s advice; however, her letter was never read during the meeting. Her letter stated:

“I want to take this opportunity to show my support of Nancyellen Keane as of town attorney. She has been a professional in representing the Town of Irvington. During the time I have worked with her on the sale of the old Town Office at 235 Steamboat Road, she was knowledgeable and helpful during this difficult process. I could go into the details, but the end result speaks for itself. The sale was completed and was handled correctly.

“I want you to remember Nancyellen doesn’t work for the mayor or the town council; she represents the Town of Irvington Corporation. She looks after that interest and has always put that job first.

“I want to share a great day I participated in yesterday. The IVBA held its quarterly membership meeting yesterday. We heard from the Tides, the Vineyard Meadow, among others. It was inspiring to be a part of a group of volunteers and business partners also putting the Town of Irvington first. They are interested in contributing to the Town of Irvington is such positive ways. We need strong leadership moving forward and I feel the Town should be grateful to have Nancyellen helping to navigate the many great possibilities ahead for Irvington. Please listen to her legal expertise to make informed decisions moving forward.”

## Keane speaks

During her town attorney’s report, Keane announced the town had received approval for a special election to choose a mayor and a council member to fill out the remaining terms ending December 31, 2024, that were made vacant with Bugg’s recent departure from his mayor position.

According to Keane, candidates interested in filling the positions must apply by 5 p.m. August 13 to the Lancaster County Elections Office. The elections will be held on November 2.

Keane also officially announced her plan for resignation that will be effective as of August 15.

Additionally, Keane took time during her report to explain why she would be stepping down from her position, which comes after a lengthy financial audit and

investigation the town recently underwent.

“During the investigation and afterward, I have been threatened and intimidated and subjected to false derogatory allegations by some members of council, even after independent legal council retained by the town’s insurance company advised them to cease... The latest allegation is that the former mayor, a council member, and the town attorney had no authority to inform the insurance company of claims that exposed the town to potential liability and therefore lead to the investigation. The town attorney has been told she is to be blamed for the investigation,” Keane said.

Keane continued, saying it is in fact a mandate of her job to report any claims to the insurers.

Additionally, Keane referred to a December council meeting where multiple people from the public demanded an independent investigation into the claims, as well as council voting 5-0 (Marchetti was absent) to enter into an investigation.

“Though some may not like the final results, they should understand that this entire unpleasant matter was caused by thoughtless and baseless allegations, not the filing of an insurance claim. The results of an investigation was a solution to the problem, not its cause,” Keane said.

Keane continued, saying she performed her job and all that her contract entails—and then some.

“My client is the town—not the mayor, not individual council members. I have always acted in the best interest of the town, and this was no exception. I have loved being the town attorney for Irvington. I did not undertake this assignment for money. I was trying to give something of value to the town. I have donated in time and legal services over three years totaling over \$150,000 to Irvington,” Keane said.

## Other matters

During his report as head of human resources, Patteson thanked Keane her for all of her work and dedication, and noted he thought it was a shame.

In way of new business, Nunnally moved to authorize Marchetti as vice mayor as a signatory at Chesapeake Bank and Blue Ridge Bank. Patteson seconded the motion, and the rest of council unanimously voted in favor, 6-0.

Additionally, council unanimously voted in favor to enter into a contract with Cox Termite and Pest Control, 6-0.

According to Westbrook, there has been a bit of a “critter problem” at the town office. The contract will be funded through the maintenance portion of the budget.

Council also unanimously hired Williamson Movers to move boxes and filing cabinets upstairs in the town office, 6-0. Westbrook relayed the information that the company will be charging \$95 an hour for their services. Schaschek moved for

nances after second readings.

Nunnally moved to redefine what a “transient person” is considered to be. According to the newly-adopted ordinance, a transient person is defined as “one who for a period of fewer than 30 consecutive days, either at his or her own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, inn, bed and breakfast or other facility.”

Patteson seconded the motion and council passed the ordinance, 5-0-1, with Braly abstaining due to not being in related conversations in meetings leading up to

the creation of the ordinance.

Nunnally again moved for the passage of the creation of a short-term rental registry. Schaschek seconded the motion, and Braly abstained while the rest of council voted in favor of the registry, 5-0-1.

Council also made a couple of non-profit appropriations. Council will donate \$1,250 to the Steamboat Era Museum Crab Festival and \$10,000 to the White Stone Volunteer Fire Department.

Council will next meet at 6:30 p.m. August 12 at Irvington Baptist Church, 53 King Carter Drive, Irvington.

# Irvington Town Council appoints committee to address recommendations from internal investigation and audit

by AnnGardner Eubank

IRVINGTON—While an internal investigation and audit into town financials and practices has concluded, discussion continues among council members over how to move forward in the wake of related legal matters.

On Thursday, August 12, council members Jackie Brown and Chris Braly debated the best means of implementing recommendations made by O'Hagan Meyer Attorneys and Advisors, the firm which performed the investigation and audit.

According to the report, the firm's suggestions to council include:

- Improving a formal record of council business and saving the record in an electronic format.
- Continuing to retain services from a reputable accounting firm for the handling of treasurer duties moving forward.
- Implementing a financial policy or preparing a new policy governing operations and a division of labor consistent with the town's goal of separating duties among staff so that no employee is responsible for all financial related tasks.
- Conducting a study of the work load and job responsibilities of town staff.
- Considering amendments to the town charter to provide greater authority and oversight responsibility to the town mayor or implementing a town manager position similar to that of Kilmarnock.
- Attending governance and orientation training provided by the town attorney.
- Considering a leadership retreat for the council.
- Establishing employment law and human resource training on the role of town council in supervising employees and how to navigate potential employment claims while also preventing and avoiding such claims.

Braly had previously been selected to head a short-term committee to implement investigation recommendations. However, Brown said she thought Braly was taking on too much responsibility and may be stretched too thin.

Brown said she would like to serve on the committee and that it would be beneficial to have an additional member as well.

"I think some of these recommendations made by the lawyers are very drastic and I think we need to think long and hard about if we want to change our charter," Brown said.

She also had suggested bringing an outside community member, such as former mayor David Cheek, to gain more insights and perspectives. Additionally, Brown emphasized the need for more council members to serve on this committee, indicating that opinions from those who have been elected to their positions should carry more weight as opposed to someone who may have been appointed to fill a vacant seat, such as Braly.

"This is not a small thing that he (Braly) has proposed and I think we need to handle it very carefully. I think that Mr. Braly made some comments about opinions of members of council being tainted from the investigation, therefore unfit to serve. I find that very offensive. I think the people of town council that were actually elected are the most fit to serve because we were elected and chosen by the public, not someone who's just filling in for a short time period," Brown added.

Braly then referred to the minutes from a previous meeting to clarify what he had said, stating he had not referred to anyone as "tainted."

Braly read from the minutes, "'By happenstance, I am the only person sitting here tonight that has zero involvement in the investigation. I was not a member of town council when the allegations presented by Mr. Schaschek occurred.

I was not a member of town council when the investigation was launched. I was not interviewed by the investigators. I am not named in the report. In my opinion, I am the only person sitting here tonight who can objectively work to implement the recommendations presented in both the public and privileged reports.' That is what I said. I did not say I was untainted, I did not say any member of council was tainted," Braly said.

Braly then introduced a motion to add Brown to the committee. Anthony Marchetti seconded the motion and the rest of council voted in favor, 5-0. Also voting in favor were Brown, Dudley Patteson, and Bonnie Schaschek. Wayne Nunnally was not present.

The committee will meet at 5 p.m. Thursday, August 26, to discuss the next steps in implementing the recommendations made by the attorneys.

## TriWay Trail

Representing the evolving TriWay Trail project, Jimmy Carter presented an overview of the project and where the development stands now.

According to Carter, the trail will serve as an interior bike and walk way in the lower part of the county, connecting Kilmarnock, Irvington and White Stone. The project has received \$175,000 in grants as of Thursday, he said.

While there is still not an exact price tag attached to the project, Carter said he anticipates 80% of the funds will be received from federal aid and grants while the remaining 20% will rely on donations and partnerships with businesses.

According to Carter, the leaders within the project have been engaging with Bay Design Group for surveying and general engineering purposes.

When Brown asked about a projected timeline, Carter indicated a more finalized package with more details and time frames should be ready by the end of this year.

Carter also asked the town to consider formally endorsing the project as a participating town.

## Financial consultant

Additionally, council heard from Davenport & Company regarding a proposal to act as a financial consultant for the town.

Ted Cole, a representative for Davenport, provided an overall scope of services offered through the company which includes financial reviews, a debt affordability analysis, a capital improvement plan assessment and funding approach and review of existing financial policy guidelines.

According to Cole, Davenport will be compensated based on an hourly schedule of rates not to exceed \$10,000.

According to Cole, one of the company's primary functions will be to assist council in producing a town survey and capital improvement plan.

Marchetti moved to accept the proposal provided by Davenport and Patteson seconded the motion. By unanimous 5-0 vote, council accepted the proposal.

## Second readings

Council also conducted second readings on two ordinances regarding short-term rentals.

The first ordinance states the proprietor of any lodging or sleeping accommodation offered as a short term rental has a duty to register the property as a short term rental property.

Schaschek moved to adopt the ordinance and Brown seconded the motion with Patteson and Marchetti also voting in favor. Braly abstained due to not being on council when the ordinance was created. The motion passed, 4-0-1.

Council also conducted a second reading on an ordinance which defines a transient person as "one who, for a period of fewer than 30 consecutive days either at his or her own expense or at the expense of another, lodges or obtains lodging at any hotel,

motel, tourist home, inn, bed and breakfast or other facility." Patteson moved to adopt the ordinance and Schaschek seconded the motion. Marchetti and Brown voted in favor while Braly abstained. The motion passed, 4-0-1.

## FOIA issues

Additionally, council unanimously authorized Braly to assist newly hired town clerk and Freedom of Information Act (FOIA) officer, Laurel Taylor, with FOIA issues during her transition into the job for a period of 60 days to ensure all FOIA requirements are being met.

During the concluding roundtable discussion, Mayor Frances Westbrook discussed allegations regarding council illegally going into closed session to discuss personnel issues regarding the resignation of the town attorney during the town's July council meeting.

"I went to the FOIA council and talked to Alan Gernhardt and legal there and he sent me to the state code governing closed meetings. I think where we may have gotten off track is when we use the FOIA manual and some of those areas are paraphrased, but the actual state code says 'public bodies may hold closed meetings only for the following purposes: discussion, consideration, or interviews of perspective candidates

for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of public officers. The list goes on, but that term (resignation) is in there and he assured me that we definitely could have gone to closed session to discuss resignation. I would like the Rappahannock Record to include that, and I'll be reading it Wednesday night when it hits the internet," she said.

Following the meeting,

Marchetti said that when discussing whether or not it was appropriate to go into closed session to discuss the resignation of the town attorney, council had been referring to that same definition Westbrook had provided. However, according to Marchetti, town attorney Nancyellen Keane had not announced her resignation publicly or formally herself when the decision to go into closed session was made, but only the former mayor had

mentioned it up to that point.

Marchetti also pointed out that a written proposal for legal services from Sands Anderson in response to an inquiry made by Westbrook regarding legal services for the town was dated July 15, the same day the town voted to go into closed session prior to formal notice of the town attorney's resignation.

Council will next meet at 6:30 p.m. September 9 at Irvington Baptist Church, 53 King Carter Drive, Irvington.