

Public Statement

Good evening. I'm Matt Tarasevich, the Town attorney. Before The Council begins its meeting tonight, the Council has asked me to say a few words to clarify the situation with your Town Manager, Ella Bowman, and to help members of the public understand the Council's obligations.

First, as the Council said in a prior public statement, Ms. Bowman is NOT and has not been suspended. She was placed on non-disciplinary paid administrative leave while the Town investigates concerns that have been raised. Being placed on paid administrative leave is not discipline and is not a suspension. We know that this might seem to be a distinction without a difference when someone is not at work, but that is a very important distinction.

It appears some people have confused the Council obligations while conducting an employment investigation with the Council's obligations under Section 415 of the Town Charter, which deal with the Removal of the Town Manager. To be clear: those provisions do not apply here because the Council has taken no action whatsoever to remove the Town Manager.

Second, it is understandable that people are curious about why Ms. Bowman was placed on administrative leave and want details. The absence of information can be frustrating and unfortunately sometimes leads to speculation and incorrect assumptions. But, to be clear, Ms. Bowman is a public employee and has statutory rights to confidentiality, to privacy and to due process. The Council is determined to respect her rights. Unless and until the Council decides to take disciplinary action - which it has not done - this is a confidential personnel matter, and the Council should have no comment upon it. That is not something they have the discretion to ignore.

Third, members of the public may wish to comment publicly on this matter tonight. Under Maine law, the Council cannot and should not hear or discuss the complaints about Ms. Bowman, or in fact any employee, in public session and therefore the Council will not permit that to happen tonight. All town employees, including Ms. Bowman, have rights to confidentiality and due process that are protected by law. No matter how you may feel, or how strongly you may feel, it is not appropriate for the Council to allow any public statements about the details behind the administrative leave, or to hear or permit any complaints about any employees in public forum. If any such comments are made, the Council will not permit that to continue.

Finally, the Council knows that some of you are frustrated with the Council actions, in some cases inaction, and their inability to provide more information. Being an elected official means at times being criticized – that comes with the job. They understand that. But, everything the Council is doing, and has done, has been in accordance with your Charter, and with Maine law, in order to protect the Town from potential claims.

Further, the Council's actions to date have been done in order to protect the rights of all employees, especially Ms. Bowman rights. Not doing so would be unfair. Everyone understands the concept of fairness – that is what due process and statutorily-required confidentiality in municipal employment matters are all about. The Council is simply trying to do what is required of them by law, what is fair, and what respects the rights of all Town employees. They only ask for your patience.