

The Town of Spring Lake

BOARD OF ALDERMEN

Taimoor Aziz, Mayor Pro Tem
Soñia L. Cooper, Alderwoman
Jackie Jackson, Alderwoman
James P. O'Garra, Alderman
Fredricka Sutherland, Alderwoman



CHARTERED IN 1951

OFFICE OF THE MAYOR

Larry G. Dobbins, Mayor

ADMINISTRATION

Tim Garner, Acting Town Manager
Debra Johnson-Hudson, Town Clerk
R. Jonathan Charleston, Town Attorney

Board of Aldermen Work Session Meeting

December 14, 2020

6:00 p.m.

Agenda

1. **Call Meeting to Order**
2. **Invocation and Pledge of Allegiance**
3. **Additions or Deletions**
4. **Approval of Agenda**
5. **Approval of Consent Items**
 - a. Minutes of the November 23, 2020, Regular Meeting
6. **Public Forum**
7. **Presentation** – North Carolina Preservation Grant Sandhills Family Heritage Association – Ammie Jenkins
8. **New Business**
 - a. Discussion to appoint members to serve on the Audit Committee – Mayor Dobbins
 - b. Discussion of Board to consider the meeting schedule for December 28, 2020 Regular Meeting - Debra Hudson
 - c. Discussion of the responsibilities of Town Manager vs. Board of Aldermen – Alderman James O'Garra
9. **Closed Session** – G.S. §143-318.11(a)(4) – Economic Development
G.S. §143-318.11(a)(3) – Consult with Attorney
G.S. §143-318.11(a)(6) - Personnel
10. **Adjournment**

Town of Spring Lake
Regular Meeting of the Board of Aldermen
Municipal Building
300 Ruth Street
Spring Lake, NC 28390

November 23, 2020

MINUTES

6:00 pm

The Board of Aldermen held a regular board meeting in the Grady Howard Conference Room of the Spring Lake Municipal Building with Mayor Larry G. Dobbins presiding.

Board Members Present: Mayor Pro Tem Taimoor Aziz
Alderwoman Soña Cooper
Alderwoman Jackie Jackson
Alderman James O'Garra
Alderwoman Fredricka Sutherland

Others Present:

Daniel Gerald, Town Manager
Jonathan Charleston, Town Attorney
Debora Johnson-Hudson, Town Clerk
Melissa Pereira, Deputy Town Clerk
Banard Lemon, Audio Visual Coordinator
Tonny McNeil, Economic Development
Earnie Pearson, Economic Development Attorney (Via Teleconference)

2. Invocation and Pledge of Allegiance

Mayor Dobbins gave the Invocation and led the Pledge of Allegiance.

3. Additions and Deletions

Alderwoman Jackson added item 6c - Discussion of Economic Development Incentive and Agreement and Closed Session G.S 143.318.11(a)(4) - Economic Development. Alderwoman Cooper stated item 6a should be moved to the closed session G.S. 143.318.11(a)(3) - Consult with Attorney. Alderwoman Cooper also added Closed Session G.S. 143.318.11(a)(6) – Personnel. Alderwoman Sutherland added item 6d - discussion to open Town Hall to the public for board meetings. Mr. Charleston added item 6e -the Approval of Resolution (2020) 8, the Fire Truck financing terms.

4. Approval of Agenda

Action: Approval of the November 23, 2020 agenda with the additions.

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: unanimous

5. Approval of Consent Items

Action: Approval of consent item for November 9, 2020, work session meeting minutes.

Motion by: Alderwoman Jackson

Second by: Mayor Pro tem Aziz

Vote: unanimous

6. New Business

Approval of Audit Committee Policy

Mayor Dobbins asked the Board to approve the Audit Committee Policy.

Action: Approval of Audit Committee Policy

Motion by: Alderwoman Cooper

Second by: Mayor Pro tem Aziz

Vote: 4-1

YES

NO

Mayor Pro tem Aziz
Alderwoman Jackson
Alderwoman Cooper
Alderwoman Sutherland

Alderman O'Garra

Economic Development Incentives and Agreement

Mr. Tonny McNeil invited Ernie Pearson to join the board meeting via teleconference to discuss the Incentive agreement template. Mr. Pearson discussed the terms and expectations of the company. Mr. Pearson discussed future incentive payments, percentage of tax base, and clawbacks. Alderwoman Sutherland had concerns about increasing town taxes. Mr. Pearson stated that there would be different credits for water and sewer incentives instead of raising property taxes, and protect the interest of local government.

Open Board Meetings to the Public

Alderwoman Sutherland discussed opening the Town Hall to the public for board meetings. Alderwoman Sutherland stated the citizens should be allowed to participate in board meetings. Alderman O'Garra agreed because he has received numerous complaints. Mayor Pro tem Aziz disagreed because of the increase in COVID cases and suggested the possibility of putting the board meetings on Zoom. Alderwoman Cooper agreed we should open the meetings to public and suggested using the recreation center for the board meetings because of the size. Alderman O'Garra stated we have plenty of room for social distancing.

Action: Approval to open Town Hall to the public for board meetings subject to Governor Cooper's Orders.

Motion by: Alderwoman Sutherland

Second by: Alderwoman Cooper

Vote: 4-1

YES

NO

Alderwoman Sutherland
Alderwoman Cooper
Alderwoman Jackson
Alderman O'Garra

Mayor Pro tem Aziz

Approval of Resolution (2020) 8 Fire Truck Financing Agreement

Mr. Charleston discussed the financing agreement for the two fire trucks from First Bank. Mr. Charleston stated the loan will have a maturity of ten years between November 23, 2020 to November 23, 2030. Mr. Charleston asked the Board to approve the Resolution (2020) 8 and to proceed with the loan process. Alderwoman Cooper asked if \$120,856.30 was the loan payments? Alderwoman Cooper requested if they receive a final copy of the documents. Mr. Charleston stated yes.

Action: Approval of Resolution (2020) 8 Fire Truck Financing Agreement.

Motion by: Alderwoman Cooper

Second by: Mayor Pro tem Aziz

Vote: unanimous

**7. Closed Session: G.S. 143.318.11 (a)(3) – Consultation with Attorney
G.S. 143.318.11 (a)(4) – Economic Development
G.S. 143.318.11 (a)(6) – Personnel**

Action: The Board approved a motion to go into Closed Session pursuant to G.S. 143- 318.11 (a)(3) - Consultation with Attorney, G.S 143.318.11 (a)(4) – Economic Development and G.S. 143.318.11(a)(6) -Personnel.

Motion by: Alderwoman Cooper

Second by: Mayor Pro tem Aziz

Vote: Unanimous

Alderwoman Cooper made the motion, seconded by Mayor Pro tem Aziz, to reconvene to open session.

Alderwoman Cooper made a motion asking Mr. Gerald to give his resignation. Mr. Gerald replied no. Alderwoman Cooper then made a motion for Mr. Gerald to be terminated effective immediately.

Action: Approval to terminate Mr. Daniel Gerald, effective immediately.

Motion by: Alderwoman Cooper

Second by: Mayor Pro tem Aziz

Vote: 3-2

YES

Mayor Pro tem Aziz
Alderwoman Cooper
Alderwoman Sutherland

NO

Alderman O'Garra
Alderwoman Jackson



Agenda Item No.8a
Request for Town Aldermen Action

To: Honorable Mayor Dobbins and Spring Lake Board of Aldermen
From: Larry G. Dobbins, Mayor
Date: December 14, 2020
Subject: Discussion to appoint members to serve on the Audit Committee.

Purpose:

To discuss appointing Audit Committee members.

Overview:

On November 23, 2020 Regular Meeting, the Board approved the Town of Spring Lake Audit Committee Bylaws Policy. The Audit Committee will be composed of two Board members and the Mayor.

Recommendation:

To appoint individuals to the Audit Committee from among the members of the board.

Action Needed:

Approve or Deny

Attachments:

None

Town of Spring Lake	ADMINISTRATIVE POLICIES		SUBJECT: Audit Committee Bylaws	
	Number 40	Revisions	Board Approval Date November 23, 2020	
North Carolina	Supersedes	Effective Date November 23, 2020		Page 1 of 2

40.0 PURPOSE

The purpose of the Audit Committee is to assist the Board of Aldermen (the “Board”) of the Town of Spring Lake (the “Town”) in fulfilling its financial oversight responsibilities.

40.1 COMPOSITION

The Audit Committee will be composed of three members: two Board members and the Mayor. The Board will appoint individuals to the Audit Committee from among the members of the Board.

40.2 ELECTION OF OFFICERS

The Audit Committee will have two officers, Chair and Secretary. Both will be elected by a majority vote of the entire membership of the Audit Committee.

40.3 MEETINGS

The Audit Committee will meet at least four times a year (quarterly), with authority to convene additional meetings as circumstances require. All committee members are expected to attend each meeting. The committee will invite members of Town management, auditors, or others to attend meetings and provide pertinent information, as necessary. Meeting agendas will be prepared and provided in advance to Audit Committee members, along with appropriate briefing materials. Minutes will be prepared.

40.4 RESPONSIBILITIES

The Audit Committee will carry out the following responsibilities:

External Auditors and Financial Statements

- Review the performance of the external auditors, and recommend to the Board approval on the appointment or discharge of the auditors.
- Continually evaluate the independence of the external auditors.
- Request from auditors and staff advice for insuring and/or maintaining auditable financial statements.
- Review with management and the external auditors the results of the audit, including any difficulties encountered.

Internal Audit

- Review the annual internal audit plan and all major changes to the plan.
- Review the effectiveness of the internal audit function.

- On a regular basis, review internal audit reports and advise the Board on significant issues identified and actions taken to resolve those issues.

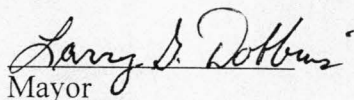
Governance, Risk Management, Internal Controls, and Compliance

- Understand the scope of internal and external auditors' review of internal control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses.
- Monitor controls performed directly by senior management, as well as controls designed to prevent or detect senior management override of other controls.
- Establish procedures for the receipt, retention, and treatment of complaints regarding accounting, internal controls, or auditing matters. Such procedures should specifically provide for the confidential, anonymous submission by employees.
- Review the findings of any examinations by regulatory agencies and any auditor observations.
- Obtain updates from management and the Town's legal counsel regarding compliance matters on an as needed basis.
- Monitor budgets and expenditures to ensure that no expenditure exceeds appropriations and ensure compliance with N.C.G.S. § 159-8, *et seq.*
- Ensure compliance with pre-audit requirements of N.C.G.S. § 159-28(a).
- Ensure timely preparation of budgets.
- Ensure timely reconciliation of all bank accounts.

Other Responsibilities


- Report to the Board about committee activities, issues, and related recommendations as needed, but at a minimum, one time a year.
- Provide an open avenue of communication between internal audit, the external auditors, and the Board.
- Review any other reports the Town issues that relate to committee responsibilities.
- Review and assess the adequacy of the committee charter at least every two years and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this charter have been carried out.
- Evaluate the committee's and individual members' performance on a regular basis.

Approved:


 Mayor

Town of Spring Lake
 Board of Aldermen

Nov. 23, 2020
 Date

Attest: 
 Town Clerk



Agenda Item No. 8c
Request for Town Aldermen Action

To: Honorable Mayor and Board of Aldermen
From: James O'Garra, Aldermen
Date: December 14, 2020
Subject: Discussion of the responsibilities of the Town Manager vs. Board of Aldermen.

Purpose:

To discuss the responsibilities of the Town Manager vs. Board of Aldermen.

Overview:

To discuss the responsibilities of the Town Manager vs. Board of Aldermen.

Recommendation:

None

Action Needed:

None

Attachments:

The Town of Spring Lake Personnel Policy Article VII, Section 1-10
Spring Lake, NC Code of Ordinance, Sec. 2.68, Town Manager duties



MEMORANDUM

TO: Town of Spring Lake Employees
FROM: Debbie Disbrow, HR Officer
DATE: July 25, 2008
RE: Town of Spring Lake Grievance Policy

The Town of Spring Lake Grievance Procedure is designed to ensure an employee of fair, impartial and prompt consideration of a problem or dissatisfaction without fear of reprisal and to encourage employees to express themselves regarding conditions of work. All grievances should be presented to the department head *with a copy to the Human Resources Officer* on the same day to allow for unbiased monitoring of the grievance procedure time frame. It is recommended that if a grievance is presented orally, the employee still provide written documentation to the Human Resources Officer on the same day to allow for monitoring of the process and if a grievance is presented orally it is *required* that the department head provide written documentation of the grievance on the day it is received. It is also *required* that the response to the grievance be presented to the Human Resources Officer in writing. Documentation is necessary to allow for monitoring of the process and the required time frames.

The current policy is as follows:

Policy statement

Section 1.

The Town desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievance result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

Coverage

Section 2.

The provisions of this procedure shall apply to regular Town employees.

8. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 7:45 p.m.

Motion: Alderwoman Cooper

Second by: Mayor Pro tem Aziz

Vote: unanimous

Melissa Pereira
Deputy Town Clerk

ATTEST:
Larry G. Dobbins
Mayor



Attachment # _____

Agenda Item No. 8b
Request for Town Aldermen Action

To: Honorable Mayor and Board of Aldermen
From: Debora Hudson, Town Clerk
Date: December 14, 2020
Subject: Discussion of Board to consider the meeting schedule for December 28, 2020
Regular Meeting.

Purpose:

The Board of Aldermen to consider the meeting schedule for December 28, 2020 Regular Meeting.

Overview:

To provide the Board an opportunity to determine if they wish to hold the Regular Board Meeting scheduled for December 28, 2020 as scheduled.

The Board has several options:

- They could hold the December 28, 2020 Board meeting as scheduled.
- They could cancel the December 28, 2020 regular meeting.
- They could reschedule the meeting to another evening.

Recommendation:

Cancel regular meeting schedule for December 28, 2020 and call a special meeting if necessary.

Action Needed:

Determine meeting schedule for December 28, 2020 Regular Board Meeting.

Attachments:

None

Article VII. Grievance Procedures

Policy statement

Section 1.

The Town desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

Coverage

Section 2.

The provisions of this procedure shall apply to all regular Town employees.

Grievance - definition

Section 3.

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

Grievance procedure

Section 4.

All grievable issues, as defined in the preceding sections, will be administered in the specified manner and processed within the stated time limits unless a time extension is mutually agreed upon. Failure by the employee to process a complaint within the stated time limits, or agreed upon extension, shall constitute termination of the complaint. At each step of the grievance process where written documentation is required, the Town Manager, or his designee, shall receive a copy to put in the employee's permanent file.

Step One:

An employee with a grievance shall present the matter orally or in writing to his department head within five working days of its occurrence or within five working days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the exact date of the occurrence can not be determined the employee should file the grievance within a reasonable time period. The department head is encouraged to consult with anyone necessary to reach a correct, impartial, and equitable determination of the matter. The department head shall give the employee an answer as soon as possible, but within five working days.

Section 5. Death

All compensation due to an employee who dies while employed by Town will be paid to the estate of the deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Section 6. Disciplinary Actions

Disciplinary actions may be enforced if an employee's work performance or personal conduct is unsatisfactory. Depending upon the circumstances one or more of the following kinds of disciplinary actions may be taken: counseling, oral reprimand, official written reprimand, withholding of merit pay increases, suspension, demotion, or dismissal.

Section 7. Disciplinary Actions for Failure in Performance of Duties - Progressive Steps of Discipline

In cases where an employee's work is unsatisfactory over a period of time, the employee shall be notified by the supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the supervisor and the Town Manager.

For employees whose work is unsatisfactory, the progressive steps of discipline outlined below should normally be taken. In some cases the seriousness of the problem may warrant immediate suspension or dismissal.

- 1) Oral Warning(s) - The supervisor shall talk privately with the employee and discuss the following:
 - a. What is expected of the employee and why;
 - b. How the employee has not met the performance requirements of the job and why his performance has been unsatisfactory;
 - c. Specific actions the employee needs to take to improve performance to a satisfactory level.

The supervisor should record the date of the interview and other necessary information for any future use. The Town Manager should be provided with a copy of the supervisor's notes for inclusion in the employee's official personnel file. In some instances an oral warning may be omitted and a written warning, described below, substituted in its place. The oral warning is optional and does not have to occur.

- 2). Written Warning(s) - The supervisor shall prepare a written summary of the performance problem as outlined below. The supervisor shall present the written

warning to the employee and discuss its contents, which should include the following:

- a. Date(s) and points covered in previous warning(s), if any;
- b. A description of specific performance problems;
- c. Specific actions the employee needs to take to improve performance to a satisfactory level;
- d. A general time frame allowed for improvement;
- e. A strong notice that continuation of the performance problem(s) will result in more severe disciplinary action up to and including dismissal.

The employee should sign the written warning with a copy being forwarded to the Town Manager for his review and for filing in the employee's official file. The employee's failure to sign the written warning does not effect the validity of the warning. The supervisor should indicate on the warning that the employee refused to sign it.

- 3) Suspension, demotion or dismissal - Before an employee is suspended, demoted or dismissed because of unsatisfactory performance of duties, the following should occur:
 - a. A written summary of the case will be prepared by the supervisor along with a recommendation for action to be taken;
 - b. An effective date for the job action will be determined;
 - c. The supervisor will provide the employee with a written copy of the recommendation;
 - d. A copy of the recommendation will be forwarded to the Town Manager for approval;
 - e. Action taken by the Town Manager and a copy of such action placed in the employee's file.

Section 8. . . Disciplinary Actions for Failure in Personal Conduct

An employee may be suspended or dismissed for causes relating to personal conduct detrimental to service with the Town in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. An employee whose work performance is unsatisfactory should, in most instances, receive a warning before disciplinary action resulting in demotion or dismissal is taken. However, in stances where conduct is insubordinate or otherwise of such a nature

that a reasonable person would deem the conduct, or actions, to be inappropriate, then immediate termination without warning may be authorized. The Town manager, who is the appointing authority under these policies, has the authority to immediately terminate an employee if he believes such termination is in the best interest of the Town. Documentation of the reasons for termination shall be placed in the employees personnel file. A copy should also be furnished the employee.

Section 9. Right of Appeal

An employee may appeal disciplinary action taken against him through the Town's grievance procedure as described in Article VII of this manual. Appeals for suspension, dismissal or demotion must begin with the Town Manager at step 2 of the Grievance Procedure (See Article VII).

Section 10. At Will Termination

Pursuant to the Town of Spring Lake being an "At-Will" employer and consistent with the Town of Spring Lake policy, the Town Manager shall be authorized to terminate any employee, when in his opinion it is in the best interest of the Town of Spring Lake that the employee no longer be employed by the Town.

Before exercising his authority to terminate an employee pursuant to his "At-Will" authority, he shall review the proposed termination with the Mayor and in the absence of the Mayor, the Mayor Pro-Tem may review the proposed termination. The Mayor or Mayor Pro-Tem, within 24 hours of notification, shall advise the Town Manager as to their recommendation. No notice to terminate shall be announced or any action taken by the Town Manager until a minimum of 24 hours has elapsed from the notice and request for the Mayor or Mayor Pro-Tem recommendation.

The terminated employee shall be entitled to all pay and benefit for any time period worked prior to the date of termination.

Step Two:

If the response from step one is not acceptable, the grievant may file, within five working days, a written grievance with the Town Manager. The Town Manager shall hear the grievance within five working days, whenever possible. The grievant may have a representative attend this hearing. The Town Manager shall collect any evidence that may be necessary and render a written decision to the employee within fifteen calendar days. The decision of the Town Manager is final. For cases involving department heads or instances of dismissal, the grievance procedure begins with the Town Manager.

For cases involving the Town Manager, the grievance procedure begins with the Town Manager, with the right of appeal to the Mayor.

Sec. 2-68. - Town manager.

- (a) The board of aldermen shall appoint an administrative officer whose title shall be town manager, and who shall be the administrative head of the town government. He shall be appointed with regards to merit only, and he need not be a resident of the town when appointed. He shall hold office at the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance.
- (b) The town manager shall be the chief administrator of the town. He shall be responsible to the board of aldermen for administering all municipal affairs placed in his charge by them, and shall have the following powers and duties:
 - (1) He shall appoint and suspend or remove all town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for in law, except the town attorney, in accordance with such personnel rules, regulations, policies, or ordinances as the board of aldermen may adopt.
 - (2) He shall make recommendations to the board of aldermen for the appointment and removal or suspension from duties for those officers whose appointments are governed by law.
 - (3) He shall direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the board of aldermen, except as otherwise provided by law.
 - (4) He shall attend all meetings of the board of aldermen and recommend any measures that he deems expedient.
 - (5) He shall see that all laws of the state, the town Charter, and the ordinances, resolutions, and regulations of the board of aldermen are faithfully executed within the town.
 - (6) He shall prepare and submit to the board of aldermen the annual budget and capital program.
 - (7) He shall annually submit to the board of aldermen and make available to the public a complete report on the finances and administrative activities of the town as of the end of the fiscal year.
 - (8) He shall make any other reports that the board of aldermen may require concerning the operations of town departments, offices, and agencies subject to his direction and control.
 - (9) He shall perform any other duties that may be required or authorized by the board of aldermen.

(Code 1978, §§ 2.22, 2.23; Code 1995, § 31.15; Ord. of 11-22-1965; Ord. of 3-24-1997)

State Law reference— City manager, G.S. 160A-147 et seq.

Grievance-definition.

Section 3.

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

Grievance procedure

Section 4.

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Step One:

An employee with a grievance shall present the matter orally or in writing to his department head within five working days of its occurrence or within five working days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. If the exact date of the occurrence cannot be determined the employee should file the grievance within a reasonable time period. The department head is encouraged to consult with anyone necessary to reach a correct, impartial, and equitable determination of the matter. The department head shall give the employee an answer as soon as possible, but within five working days.

Step Two:

If the response from step one is not acceptable, the grievant may file, within five working days, a written grievance with the Town Manager. The Town Manager shall hear the grievance within five working days, whenever possible. The grievant may have a representative at tend this hearing. The Town Manager shall collect any evidence that may be necessary and render a written decision to the employee within fifteen calendar days. The decision of the Town Manager is final. For cases involving department heads or instances of dismissal, the grievance procedure begins with the Town Manager.

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