

**TOWN OF CAPE CARTERET  
BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
DEBBIE E. STANLEY BOARDROOM  
AUGUST 31, 2017  
7:00 P.M.**

**I. Meeting Called to Order**

**Mayor Fowler** called the meeting to order at 7:02 pm.

All Board members were present along with Town Administrator, Zachary Steffey, Interim Town Clerk, Heather Leffingwell, Chief Rivera and Town Attorney, Michael Curtis. Brad Rich, of the Tideland News and one citizen, Nicholas Secchi, were also present.

**II. Pledge of Allegiance**

**Commissioner Truax** led the Pledge of Allegiance.

**III. Conflict of Interest | Cell Phone Statement**

**Mayor Fowler** called for conflicts of interest. Hearing none he asked all those present to turn off their cell phones.

**IV. Public Comment**

Mr. Secchi—I'm Nicholas Secchi. I purchased the house back in November. 100 Sutton Dr. I lived on the other side of Pine Lake Rd in complete peace. I thought I found Heaven here. The people, the town, the way everything was located and laid out, we absolutely fell in love with it. We decided to pull the trigger and buy a home. It didn't take but two weeks for the troubles to start between Mr. Rivera and Mr. Holt. I was here 3 months ago going over this at the meeting. I didn't have all the information that night, but tonight I am prepared to point out all the places that Mr. Rivera colluded with Mr. Holt and fabricated all these things about me, my family, and my dogs. I take it personally because my dogs are an extension of my family. If you guys would afford me the opportunity to methodically go through paragraph by paragraph and point out. I'll tell you this it's almost frightening to know that I live in a town that if something serious really happened that I can't count on law enforcement to tell the truth and write a report as exactly as things actually happened. When I first read this report, that Rivera rewrote, because Tanguay was actually the first Officer on the scene. Rivera rewrote the report and added and took away. It was completely diabolical the way he went through everything. He basically made up things. He put words in front of other words so that it would have different meaning. He basically fudged a report and stacked a report that was done so advantageously to bring about a result and it is frightening obvious. It is that obvious. If you will afford me the opportunity to bring you through what I am prepared to bring you through, I have already brought the Mayor and Zach through it

and I could see them take a deep breath. I will leave it up to you, but I've got to tell you this, my wife is frightened that we live in a town with law enforcement, Mr. Rivera himself, is scary. I don't think he thinks he is law enforcement; I think he thinks he is a Deity. He does think with total impunity as if he has nobody to answer to for the things he has done. I mean total impunity. I don't know how he is actually held accountable. I don't understand how things work. I grew up in a town where law enforcement was policed by Internal Affairs. This report he put out about me and my family, he would have been axed the minute this report went out. He would have lost his job almost instantaneously in New York City. Some of you might say then go back to NYC. You want to know something I'm an American like everybody else here. Everything that I own and I have in my life I have worked hard for. I actually brought my results from my two daughter's report cards. Their graduation results from their first year in North Carolina. They are through the roof. I've got nothing lower than 95's, 96s, 98s and 100's. That's the kind of family we are. I actually brought them because I know the Mayor's wife is a principal and she would appreciate looking at the results. That doesn't happen by accident. We are a strong family unit. My wife got a job at Lowe's as a temp. They fell in love with her and said, "Martha stay". That doesn't happen by accident. We love the way you operate, the way you get along with everybody. I ask you to look beyond my accent. Obviously, I'm from New York. I walk, talk, and might even look like I'm from New York according to some of the people I have spoken to. I have even heard my dogs' names are New York names. I've heard all kinds of things. I would ask you to listen with an open mind and ask yourself if you want someone up here that is talking about your law enforcement in such a harsh way. I'm going to leave you with one tidbit. Recently I went to court, Mr. Rivera looked at the D.A. in the face and said this didn't even happen on the golf course. Only he can answer as to why. I'm going to read something real quickly, "When I spoke with Mrs. McWilliams she appeared visibly frightened and agitated, she claimed she did indeed walk her dog on the golf course." Those are Mrs. McWilliams words herself. This is just one tidbit. Maybe he can explain to you why he asked Mrs. Paxon to withhold paperwork that was pertinent to my case until after the case was over. When people are telling the truth and it's all out there, let the truth prevail.

**Mayor Fowler** thanked Mr. Secchi for speaking.

**IV. Closed Session Pursuant to N.C.G.S. §143-318.11 (a)(3) Attorney-Client Privilege and N.C.G.S. §143-318.11 (a) (6) to Discuss Personnel**

*Commissioner Evans moved to enter in to closed session. The motion was seconded by Commissioner Truax. Motion carried 5-0.*

**CLOSED SESSION**

**NO ACTION TAKEN**

*Commissioner Phillips moved to enter open session. The motion was seconded by Commissioner Miller. Motion carried 5-0.*

## ***OPEN SESSION***

Those present for the open session included All Commissioners, Zachary Steffey, Heather Leffingwell, Chief Rivera, Attorney Curtis and Brad Rich.

**Mayor Fowler** requested that elected officials help unburden the Administrative staff and himself with all the paperwork related to the issues discussed in closed session.

**Commissioner Miller and Commissioner Evans** stated they are available to assist staff. We just need to call them. **Commissioner Saunders** asked what was the time frame we had to address the public records request. **Attorney Curtis** stated that it was 15 business days. **Mayor Fowler** said the 15 days would be fine if we were receiving one request, but currently we can't keep up with them. **Commissioner Truax** asked if it would be a good idea to hire a temp. **Mr. Steffey** said that would be his recommendation. **Mayor Fowler** asked if we had anything budgeted for it. **Mr. Steffey** said that the vacant position would allow for it. **Commissioner Truax** asked if she could bring a motion for the temp.

**Attorney Curtis** suggested we define the wages, roles, etc. and bring it back as a motion at the work session. **Mayor Fowler** asked Attorney Curtis if he wanted all the documentation related to the public records request. **Commissioner Saunders** suggested that all the paperwork be put into one binder. **Mayor Fowler** directed Heather Leffingwell to put together a binder of the public records request for the Board of Commissioners to come review. **Commissioner Saunders** asked Attorney Curtis if there is litigation should we be reviewing the documentation regarding it. **Attorney Curtis** stated if there is any litigation he would like the documentation to come through him. **Mayor Fowler** said that it was hard to disseminate what was and what was not pertaining to litigation. **Attorney Curtis** said he would be happy to look at the documents. **Mayor Fowler** said whether you are aware of what is going on or not, in a governing board situation, it is the assumption that you do or you should.

**Zachary Steffey** said that if anyone would like to donate supplies for the victims of Hurricane Harvey, Mr. Fish with Triple H Carpentry, is headed down to Texas on September 3, 2017. Town Hall is a drop-off point for donations.

**Attorney Curtis** stated he will be unavailable September 17-September 24, 2017. He will be in Paris, France.

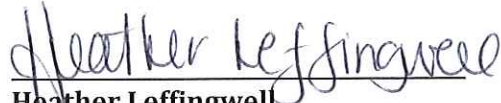
### **Adjournment**

***Commissioner Miller moved to adjourn at 8:24 p.m. the motion was seconded by Commissioner Phillips. Motion carried 5-0.***



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David M. Fowler  
Mayor



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Heather Leffingwell  
Interim Town Clerk