

From: fmcdonough@lovettsvilleva.gov
Sent: Thursday, October 5, 2017 1:51 PM
To: 'clerk'; Mayor Bobby Zoldos - Town of Lovettsville; Tiffany Carder - Lovettsville Town Council; 'Councilwoman Kimberly Allar'; 'Nate Fontaine'; 'rgentile@lovettsvilleva.gov'; 'msenate@lovettsvilleva.gov'; 'Councilman James McIntyre'
Cc: 'townmanager@lovettsvilleva.gov'; educatorwolf@hotmail.com
Subject: Complaint on Commissioner Hornbaker

Mr. Mayor and Members of Town Council,

Over the last several months a disturbing trend has emerged involving a member of the Planning Commission. I am calling on you to address and if possible, mitigate, these behaviors to the extent that law will allow.

Commissioner Chris Hornbaker has taken on an aggressive, bullying attitude toward me and others involved in town government that cannot be allowed to continue. Most recently, he verbally accosted me in parking lot of town hall following the October 4, 2017 Planning Commission meeting. Initially the complaint was that Commissioner Ciolkosz had missed too many meetings and he demanded that I recommend to you that he be removed.

I explained to Commissioner Hornbaker that state code does not require such a removal and that I was not inclined to do so. I further informed him that I had kept the Mayor in the loop on Commission attendance and had no issue with Commissioner Ciolkosz performance as a commissioner. I further intimated that in my opinion, council had no appetite to intervene on the matter. His response was that I had recommended removal of a commissioner previously. I explained that that case involved egregious absenteeism and that council concurred and took action.

At that point, the discussion turned ugly with Commissioner Hornbaker assuming an aggressive posture in my face. His language was foul and abusive. His belligerence and tone was of a threatening manner. His diatribes included reference to non-existent slights to his wife that he erroneously attributes to me. To this point, I would also note that he confronted me at my home on the same subject back in April causing me to ask him to leave my property. This last incident is one of 4 such incidents that have been witnessed in full or in part by council and commission members. Last night's encounter was witnessed fully by Commissioner Shiva Schilling and partially by Commission Vice Chair Stephanie Wolf. When Commissioner Wolf attempted to intervene and calm the situation, Commissioner Hornbaker proceeded to direct his vitriol at her as well.

It may also be worth noting that former Councilwoman Jennifer Jones has reported a similar encounter with Commissioner Hornbaker at her home early in the summer of this year. The pattern is quite clear and must be dealt to ensure the commission and town council's commitment to serve the town in an atmosphere free of interpersonal conflicts and bullying tactics is met.

I am aware that the Town Attorney and other legal sources have previously advised Council that removal of a Planning Commissioner can only be done in very narrow conditions which this behavior may not fit. State law and town code do not give the Chairman of the Planning Commission any tools for dealing with circumstances like this. I formally request that council exercise all resources at its disposal to mitigate this situation. In my opinion, at the very least, a request for his resignation, a vote of No Confidence and Censure of Commissioner Hornbaker in a council meeting is warranted. Such a vote for Censure will be raised at the next Planning Commission meeting on October 18.

I have been reticent in filing a formal complaint with this body on this issue in the past, in the hopes that we could work things out as gentlemen and colleagues. I have met one on one with Commissioner Hornbaker and that meeting netted little results, as we have seen. As previously discussed, I believe it is important that council and PC initiate recourse and

procedures to deal with this type of abhorrent behavior in the future, to ensure the peoples' business is conducted in a cordial, respectful and professional environment.

Frank E. McDonough

Chairman, Planning Commission

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From: Mayor Robert J. Zoldos II <rzoldos@lovettsvilleva.gov>
Sent: Sunday, April 15, 2018 8:18 PM
To: fmcdonough@outlook.com
Cc: Town Manager; Town Clerk Harriet West; Tom Ciolkosz; Councilman James McIntyre
Subject: Re: Issue

Frank,

After you brought these concerns to our attention last fall we took several steps to address your concerns. First, I spoke to most if not all of the people who were a witness to the bullying/intimidation that you referenced. It was clear that people were either uncomfortable with Commissioner Hornbaker's actions or felt threatened. Second, we spoke with the VML attorney to determine what we could do about these type of actions by a PC member. You mentioned in your memo that you did not have any tools for addressing these concerns and it was found that the Town Council nor the Mayor had any at that time as well. Third, we had the VML President and attorney, Michelle Gowdy, conduct a good governance presentation in front of the Town Council to ensure that we understood our authority in this type of situation and to assist us in developing a set of Standards of Conduct. Fourth, staff developed a set of Standards of Conduct (based on several other jurisdictions standards and suggestions and templates from VML) to allow the Town to address these types of actions in the future. Lastly, we approved these Standards at the Town Council meeting of December 14, 2017.

I, like you, abhor the use of bullying and intimidation to slow or effect the governance of our Town. We took the above actions because you brought these concerns to light and because we absolutely detest this type of behavior. As you know, we were not in a position to take action against this type of behavior prior to the adoption of these standards based on the recommendations of legal counsel. However, after the December adoption of the Standards of Conduct, we are now prepared to address actions such as the ones that you brought forth.

Do you have evidence that Commissioner Hornbaker has committed acts that are in violation of our Standards of Conduct since they were adopted?

Thank you,

-Z

Robert J. Zoldos II, Mayor
The Town of Lovettsville