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Office of the Town Clerk

Public Hearing

7:30 p.m., September 9, 2009

3rd Floor Meeting Room, Town Hall

The purpose of this public hearing is to present information and discuss proposed Code of Ethics and to provide an opportunity for public comment.

Minutes

In attendance: Laura Francis, John Szewczyk, James McLaughlin, Walter Fulton, Margery Stahl, Ellen Pitrowski, Linda Maffei

Laura Francis called the meeting to order and led with the pledge of allegiance. She opened the meeting by explaining the history of the Ethics Commission and introduced Walter Fulton, Chairman.

- B. Fulton asked everyone to keep in mind the following (4) four principals while reviewing the code.
1. General proposition - Quid pro quo.
 2. A person should not get something that is not available to the public.
 3. Transparent/open government.
 4. An employee of the Town who performs a public service does not mean that they have the same rights as residents.

Discussion on Section 2: Definitions - "Gift" - Any thing or group of things having a monetary value, individually or in the aggregate, in excess of \$100 in any calendar year, including but not limited to entertainment, food, beverage, travel, lodging, given or paid, or any thing or benefit, regardless of monetary value, perceived or intended by either the one who offers or the one to whom it is offered be of sufficient value that might influence an officer, official or employee in the performance or nonperformance of an official action.

Renee Edwards stated that the code defined the word gift under Section 2: Definitions. The word gift was then used under Section 3: Standards of Ethical Conduct Section V. Gifts or favors noting that she found it confusing.

Frank DeFelice questioned the "given or paid" and "perceived or intended" verbiage.

J. Szewczyk asked if a wedding gift would fall under the definition of gift and if \$100 was a reasonable limit.

B. Fulton responded that the commission needed to establish a dollar amount threshold and in reviewing several other town codes felt the \$100 was a good number; he also pointed out that on page 2 of the Code there was a listing of what "A gift shall not include". In reference to the "given or paid" question he said the commission would look at inserting the words "either or whether".

Section 3: Standards of Ethical Conduct II. Fair and Equal Treatment

F. DeFelice questioned the opposite of what it said; What if someone wasn't being treated unfairly?

Joe Pasquale commented that (as a member) the code was written to be interpreted by reasonable people and the people selected to serve on the commission need to determine probable cause or not.

Section 3: III Conflict of Interest

F. DeFelice expressed his concern with the wording "financial interest or "personal interest" using an example of being a member of the Historic District Commission and also living on Main Street within

the district. Martin French stated he felt that as a member of any board or commission if you have a personal interest in something that comes before that board or commission you should recuse yourself but was not sure if you are allowed to participate as a member of the audience. L. Francis stated that she was advised that if you recuse yourself from sitting on a board or commission you also cannot participate as a member of the audience. She noted she would confirm this.

Section 5: Receiving Complaints of Violations A. Generally

F. DeFelice questioned the three year time frame. M. French thought it should be longer.

Section 5: B. Filing of complaint and jurisdiction

B. Fulton discussed this section. L. Francis asked if there were formal consequences. B. Fulton responded that the Commission did not look into this, that once the Commission renders a finding and recommendation they forward it to the Board of Selectmen.

L. Francis asked the Commission, based on tonight's hearing, if they were ready to present the Code to the Board of Selectmen at their meeting on September 14th or would like to have another public hearing. B. Fulton stated the commission would like to consider comments made at this meeting and come back for another public hearing.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Beth Moncata