

Town of Hebron
Ethics Study Committee
March 17, 2010
Regular Meeting
Meeting Room – Town Office Building

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2010 MAR 25 A 7:43
Ann E. Hughes
HEBRON TOWN CLERK

Members Present: Stan Marchut, Glenn McGrath, Robert Zamojcin, Charles Redfern, Ann Hughes, Linda Blakely, Peter Moon, Donna Ferree

Members Absent: Elaine Griffin

Chairman, R. Zamojcin called the meeting to order at 7:04 p.m.

Public Comment: None

Approval of Minutes: S. Marchut motioned to approve the minutes from the March 3, 2010 meeting without changes. L. Blakely seconded the motion. The motion passed unanimously.

Review of Latest Draft Code:

R. Zamojcin led a review of the Hebron Code of Ethics (Revised 3/10/10). S. Marchut summarized changes to the preamble indicating that paragraph one includes language taken from the Haddam code and that paragraph two contains language from the Town of Hebron Employee Handbook. C. Redfern suggested removing "Public" from the second line in the first paragraph for the sake of redundancy. Board members agreed.

S. Marchut continued, informing the board that Section I. Conflicts of Interest was revised by inserting the first paragraph, comprised of language taken from the Durham code. The remaining paragraphs in this section were unchanged. D. Ferree noted that paragraph four may prohibit potential vendors for small contracts, citing that smaller contracts were not typically awarded through the process of public notice and bidding. S. Marchut noted that rephrasing the paragraph to state that the contracts would be "awarded in accordance with the town's purchasing policy" may introduce problems should the town's purchasing policy change. D. Ferree suggested changing "public notice and competitive bidding" to "public notice and/or competitive bidding". Board members agreed.

S. Marchut continued, informing the board that Section II. Disclosure and Recusal was revised as follows: Paragraphs one and two remained unchanged. R. Zamojcin questioned the level of detail expected of "written disclosure". P. Moon suggested removing "in detail" from the third line in the second paragraph, noting that the meaning of the context would not be changed. The board agreed with this change.

S. Marchut noted that the third paragraph of Section II repeated the last half of the first paragraph, but felt the point bears repeating. D. Ferree stated that the two paragraphs were distinguished from each other in that paragraph one referred to an official participating on behalf of the town whereas paragraph three was without that distinction and that the official should be allowed to vote because the item will affect a substantial segment of the population. Discussion ensued over what defined financial & personal interest. C. Redfern recommended leaving the paragraph three in the code, noting that a review board would be able to make the final determination. R. Zamojcin agreed, as did the remaining board members.

S. Marchut continued the review, stating that paragraph four was taken from the model code's Special Interest section. S. Marchut suggested the last sentence in the paragraph be removed. G. McGrath stated that though he understood the underlying concept of the sentence, he believed the clause was poorly written. Board members agreed to remove the underlined portion, ending the paragraph after the word "town" on the third line.

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S. Marchut continued, stating that paragraph five was taken directly from the model code.

S. Marchut continued, stating that paragraph six was different from the model code in that a time limit was defined and a dollar value was specified for contract amounts. A. Hughes questioned if the Use of Confidential Information clause would cover the subject, and questioned if the town had a significant number of contracts of that value. S. Marchut agreed that the Confidential Information clause does offer limitations, but recommended leaving the paragraph as is. Board members agreed to leave the paragraph as written.

S. Marchut reviewed Section III. Gifts, noting that the first paragraph was taken directly from the model code, and questioned if the last sentence suggested that the municipality would be required to retain the gift forever. P. Moon suggested removing the word “permanently” from the last line in the second paragraph. Board members agreed.

S. Marchut read aloud the paragraph outlining Section IV. Use of Town Assets. R. Zamojcin questioned if a reference should be included to address leased vehicles, equipment, facilities, materials or property. G. McGrath suggested amending the second line to replace “municipally-owned” with “municipally owned or leased”. Board members agreed.

S. Marchut read aloud the paragraph outlining Section V. Use of Confidential Information. P. Moon suggested pluralizing “person” in the third line. Board members agreed with the change and the clause.

Discuss Definitions:

R. Zamojcin suggested listing definitions between Preamble and Conflicts of Interest. No members objected.

L. Blakely inquired if the first definition should be “Code” and if it should include “as amended from time to time” and reflect the date that the code, or amendments, were adopted.

A lengthy discussion ensued over an acceptable definition for “Persons Governed By This Code”. Codes for Wethersfield, Ellington and NY & NJ MTA were read aloud. S. Marchut expressed preference for Wetherfield’s definition citing it’s inclusion of boards and positions, which were omitted from Ellington’s code. Discussion took place over how, or if, to include vendors in this definition. P. Moon suggested referencing a specific list to include:

- Members of Town Agencies as defined in the charter
- Town Employees
- Town Contracted Services (using NY & NJ MTA definition for vendor)

Board members preferred the definition for gifts that R. Zamojcin provided from NY & NJ MTA but L. Blakely noted that she would prefer to see a dollar limit assigned to gifts specified in the body of the text.

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In closing, S. Marchut suggested members review the revised code with the goal of identifying a list of terms that need to be defined, and providing some simple suggestions for definitions. Some terms to start with are:

- Code
- Persons Governed By This Code
- Town Contracted Services
- Gift
- Family Member
- Town Agency

S. Marchut suggested starting with Model Code definitions and adding other terms not presently included there.

Adjourn

G. McGrath motioned to adjourn the meeting. C. Redfern seconded and the motion passed unanimously.

The meeting adjourned at 9:08 p.m.

The next meeting is scheduled for April 7, 2010 at 7:00 p.m.

Respectfully submitted,

Brian Whalen
Board Clerk