

Town of Hebron
Ethics Study Committee
May 5, 2010
Regular Meeting
Meeting Room – Town Office Building

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

Members Absent: Elaine Griffin

Chairman, R. Zamojcin called the meeting to order at 7:03 p.m.

Public Comment: None

Approval of Minutes: A. Hughes motioned to approve the minutes from the April 21, 2010 meeting without changes. S. Marchut seconded the motion. The motion passed unanimously.

Discussion of Ethics Commission:

R. Zamojcin led the discussion of the Board's position on recommending an Ethics Commission. C. Redfern stated that while CCM cannot provide legal advice about whether a budget allotment was required, they did inform him that East Hampton, Tolland and Windham do not have allotments but Andover, Portland and Colchester do.

P. Moon distributed copies of a Hartford Courant article about the increase in Wethersfield's legal fees due to the ethics litigation their town is involved in. D. Ferree noted that legal fees cannot be effectively budgeted for, but inquired if an allotment would be prudent for costs specific to forming a commission, such as training.

A lengthy discussion ensued over the pros and cons of forming and maintaining a commission. L. Blakely reiterated her position in favor of a commission, noting concern over having a code without means of enforcement, and stating that the State guidelines were more geared towards larger municipalities. D. Ferree stated that having a commission that determines if a violation to the code exists could intervene prior to the point where attorney fees are incurred. C. Redfern inquired if the BOS could also be designated as an Ethics Commission. G. McGrath stated that if a commission is recommended, he would prefer to see it be separate from the BOS and noted a preference for having it comprised of the Town Manager and designated individuals. D. Ferree agreed that a board cannot police itself, stating that in the unlikely scenario of having a complaint lodged against the entire board, they could summarily dismiss the complaint. A. Hughes indicated slight favor towards establishing a commission but would prefer to hear public opinion. D. Ferree indicated she was in favor of establishing a commission. S. Marchut stated he was opposed to a commission, citing the formal and adversarial nature of a commission's structure, especially for a town without a historically significant number of ethics disputes. G. McGrath noted that he would be interested in knowing if towns with commissions experienced an increase in complaints.

P. Moon suggested an arbitration board comprised of citizens at large. G. McGrath stated that once a complaint is sanctioned, the person charged can sue, thus making it necessary for commission members to retain legal counsel to defend. C. Redfern indicated support for some kind of additional structure, but one that could act as an advisory role, in a mediation capacity. D. Ferree noted that just by having a code, claims are being invited. Citizens may be frustrated if no formal venue exists to resolve disputes, and that a group with an advisory role could help them and possibly prevent larger issues. R. Zamojcin noted that an independent board gives the BOS or Town Manager insulation from accusations of inaction. G. McGrath stated that the study committee worked hard, and that he doesn't want the public to see the code as being an honor system. S. Marchut expressed concern with the state's requirement that town commissions act like the state commission, noting Section 182 a-e. C. Redfern stated that the intricate process may discourage trivial complaints, noting that while the commission is adversarial; the process doesn't have to be. S. Marchut stated that an ethics panel that only advised would be great, but that the State mandates a legal process. G. McGrath introduced the concept of having a commission that follows the state guidelines, but also could act as an advisory role as another option for citizens. G. McGrath went on to explain that by offering a role like mediation,

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(cont'd)

arbitration or a hearing officer, the process wouldn't be binding but would instead offer an indication of how things would prevail should the formal complaint process be entered. C. Redfern noted that the Ellington code cited that advisory opinions were an option that an ethics commission could offer. P. Moon suggested a one year moratorium using an advisory council. A. Hughes noted that it could take a year to get the commission in place, and that would be the honeymoon period. L. Blakely expressed her opinion that an advisory council may not be enough, and believes that a commission must be able to do more if required. G. McGrath reiterated that a commission to enforce the code needs to follow the state statute, but to avoid minor issues the town can have an advisory role. C. Redfern reiterated being in favor of recommending a commission, noting that if courts see that an arbitrating structure is in place they will often direct suits back to that resource. S. Marchut expressed concern that if a commission is recommended, mention of it would be necessary in the code. C. Redfern and D. Ferree agreed that such action would be exceeding the committee's charge, as the BOS could go against the recommendation. P. Moon suggested, if necessary, a follow up statement outlining the mechanics for enforcement standing as a separate document to the code.

R. Zamojcin summarized the discussion stating that in agreement with the board, no formal recommendation would be determined and put forth until after the Public Hearing, but information would be offered to the public if asked how the code would be enforced. A. Hughes volunteered to make copies of the draft code for the hearing, and S. Marchut noted that easy access to the document via the town website prior to the hearing would help as well. R. Zamojcin stated that he'd spoken to a reporter from the Norwich Bulletin about forming the code as well. A. Hughes also volunteered to follow up on Rivereast communications about the Public Hearing date.

R. Zamojcin inquired if a recent comparison was made between the code and the town's Employee Handbook to see if there was a conflict exists. A. Hughes noted that the handbook had stronger language concerning use of town assets. S. Marchut noted that the code was broader in application than the handbook, but by nature it should be. R. Zamojcin read the charge from the BOS Chairman. A. Hughes stated that the union representative review the code and indicated that there weren't any apparent conflicts with policies in place.

A brief discussion took place over whether or not the code would apply to the HBOE, with D. Ferree believing that the code would not, but G. McGrath of the opinion that because the HBOE is comprised of town employees, the code would apply. S. Marchut noted that the HBOE was a local board managing employees for the town.

Adjourn

S. Marchut motioned to adjourn the meeting. A. Hughes seconded and the motion passed unanimously.

The meeting adjourned at 8:55 p.m.

A Public Hearing to present the Draft Code is scheduled for May 19, 2010 at 7:00 p.m. at the Douglas Library.

The next Regular Meeting is scheduled for June 2, 2010 at 7:00 p.m.

Respectfully submitted,



Brian Whalen
Board Clerk