

**Town of Hebron**  
**Ethics Study Committee**  
May 19, 2010  
**Public Hearing / Regular Meeting**  
**Douglas Library – Community Room**

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*Ann E Hughes Asst*  
HEBRON TOWN CLERK

**Members Present:** Stan Marchut, Robert Zamojcin, Ann Hughes, Linda Blakely, Peter Moon, Glenn McGrath, Donna Ferree, Elaine Griffin

**Members Absent:** Charles Redfern

**Staff Present:** Bonnie Therrien – Town Manager

Donna Lanza - Executive Assistant to the Town Manager

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

R. Zamojcin opened the Public Hearing with a review of the history of the committee formation that included a reading of the charge issued by the BOS and went on to list statistics indicating that of the 169 municipalities in Connecticut, 124 have an ethics code in place and 9 more are in the process of developing one. Connecticut legislation calls for towns to have a code in place by January 2011. R. Zamojcin stated that the process of developing the Draft Code included utilizing the model code from the state as a template and thoroughly reviewing the codes of a wide variety of other Connecticut towns.

R. Zamojcin opened the meeting for Public Comment at 7:12 p.m.

**Public Comment:**

Harvey Dereuseaux, of Walnut Drive, noted that the definitions defined the Town of Hebron as Town, yet the last paragraph of Section V. refers to “municipality”, and suggested replacing it with “Town” for consistency. Mr. Dereuseaux expressed his opinion that the code should apply to everyone, employees as well as members of boards and commissions, and that there should be some kind of signature page acknowledging receipt and understanding of the code. Mr. Dereuseaux went on to note that there was not any indication in the code of how complaints would be addressed, and suggested that the process not fall under the responsibility of the BOS or the Town Manager, but instead be addressed by a commission consisting of at least three taxpayers without any association with other boards or commissions in town. R. Zamojcin responded the committee is formulating a statement outlining positive and negative aspects of formulating a commission, but that board members each have their opinions and that one scenario included a two stage process with an advisory capacity in addition to the formal process outlined by state statute.

Bonnie Therrien, Town Manager, inquired if the definition of Persons Governed By This Code would include the Hebron Board of Education, and expressed that it was important to identify that, as BOS Chairman Watts mentioned to her in a review of the Draft Code. In addition, Town Manager Therrien expressed concern with the language contained within Conflicts of Interest; specifically referencing the public bidding process and how it is important to avoid even the appearance of a conflict. B. Therrien went on to note that it was her opinion that employees be covered by the code, and that the investigative tool for employees should be the Town Manager. The final point brought up was that having an independent Ethics Commission carried with it pros and cons. A benefit would be that having a commission would avoid placing the Board of Selectmen into the middle of situations, yet careful attention should be given to the selection process to assure that the commission is comprised of unaffiliated individuals capable of evaluating complaints without bias and prejudice. S. Marchut inquired if there was a correlation between towns following a code and instances where issues have become larger than necessary. B. Therrien noted that there have been times when political issues have exacerbated complaints, and expressed her opinion that it depends on who is on the board.

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P. Moon inquired if there was any kind of contingency that would cover costs associated with a complaint were it to be filed in the middle of a budget cycle. B. Therrien responded that there was no contingency fund, just the general fund, and that the Town Attorney would become an advisor to an Ethics Commission.

Brian O'Connell, member of the Board of Selectmen, inquired if a situation where a town volunteer (ie a member of the fire department) wanted to perform paid work for the town, if that were possible. R. Zamojcin replied that there was a procedure already established for the Town, and that if the procedure were followed then it would not be a conflict. Mr. O'Connell went on to express concern with the complaints process and how an individual's name and reputation could possibly be tarnished if the complaint turned into a witch hunt, and how that could be handled. R. Zamojcin responded that confidentiality is dictated by the state statute until a violation has been deemed. S. Marchut noted that state statute also dictates how a town commission is able to act, likening the process to a judicial proceeding.

B. O'Connell inquired what towns without a code do to enforce complaints. R. Zamojcin stated that towns without a commission use the Town Manager and/or the Board of Selectmen as an investigative means.

R. Zamojcin closed the Public Comment portion of the meeting at 7:25 p.m.

**Approval of Minutes:** D. Ferree motioned to approve the minutes from the April 21, 2010 meeting with the following changes:

- Page 2, first paragraph, fifth sentence: change "the town can have an advisory role" to "the commission can have an advisory role"
- Page 2, second paragraph, second sentence: change "made copies" to "make copies"
- Page 2, last line: Change "June 2, 2010" to "May 19, 2010" as the date for the next Regular Meeting.

G. McGrath seconded the motion. The motion passed unanimously.

**Discussion of comments on Draft Code:**

R. Zamojcin read a comment from Town Clerk Carla Pomprowicz in which it was requested that the definition for Persons Governed By This Code be placed on the first page, possibly before the Purpose. R. Zamojcin suggested placing the definitions out of alphabetic order and moving PGBTC to the first definition. E. Griffin further suggested adding context such as "as defined below" to the purpose to refer readers to the definitions. D. Lanza suggested incorporating the definition of PGBTC into an introductory paragraph before the Purpose.

D. Ferree referred to Town Manager Bonnie Therrien's concerns with the language in the Conflict of Interest section and noted that even if a service provider were to go through the bidding process, the perception is there and that an impression of impropriety is difficult to overcome. E. Griffin noted that further restrictions could prohibit community involvement. R. Zamojcin noted that a commission with an advisory role could resolve those complaints and expressed his opinion that the language be left as it appears. E. Griffin stated that bids are kept on file, and that the process could be explained to a complainant. E. Griffin then outlined the competitive bidding process for contracts under \$5,000. R. Zamojcin reiterated his suggestion of leaving the language as it appears in the Draft Code. D. Ferree noted that the issue was revisited quite often, and S. Marchut suggested inserting "unbiased" in front of the process of public notice and/or competitive bidding.

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R. Zamojcin expressed concern over Town Manager Therrien's comment about the code including the HBOE. D. Ferree noted that she was not convinced that the town could direct the HBOE and dictate policy. A. Hughes produced a copy of the HBOE handbook and noted that it states they follow guidelines set forth by the state. A. Hughes went on to express that the handbook applied to the teachers, and that if the board is elected then they would be covered by the code. D. Ferree noted that if town employees are included with PGBTC, then HBOE employees may have to be excluded.

Loretta McDonnell publicly requested that the language be as specific as possible.

R. Zamojcin stated that the committee would bring the issue to the BOS when the code is presented. S. Marchut inquired if the teachers were BOE employees or town employees. E. Griffin replied that they were town employees governed by the state. R. Zamojcin offered to review the HBOE handbook to see if a conflict exists between it and the Draft Code.

**Discussion of an Acknowledgement Form for the Code:**

R. Zamojcin commented that it was his opinion that an acknowledgement form would be part of the rollout. L. Blakely expressed her opinion that it should be part of the code. S. Marchut suggested incorporating acknowledgement into an introductory paragraph. A. Hughes, P. Moon and L. Blakely each produced sample acknowledgement forms for the board to review. A. Hughes offered to generate a draft form for the next meeting to be reviewed for inclusion in the code as Section VIII.

The board agreed, as suggested in the Public Comments, to change "Municipality" to "Town" in the last sentence under Section V. Gifts.

**Discussion of Ethics Commission:**

R. Zamojcin stated that he would draft a letter to the BOS recommending a commission with a two-step process as discussed by the board. The commission could have an advisory role and follow state statute if required.

E. Griffin suggested a commission be comprised of five members, with a quorum of three.

S. Marchut inquired if language outlining a commission would be included in the code. R. Zamojcin noted that their charge is to present pros and cons of a commission, not to outline the procedures, and that the BOS can follow up by issuing another charge or have the Town Attorney draw up the necessary language.

D. Lanza suggested preparing a package outlining how a commission would function. S. Marchut inquired if it would be possible for the BOS to decide on a commission without knowing how it would operate or how it was constituted, and expressed his opinion that the committee needs to be prepared to describe the commission and the entire complaint process. L. Blakely outlined how most towns are similar in how they describe the process, and noted that in her opinion the Draft Code was not complete without reference to how complaints would be handled. G. McGrath stated that it was not part of the original charge, but could envision the BOS requesting the committee continue their work. G. McGrath went on to state that he would prefer the code have direct language regarding how complaints are handled over references made to the state statute.

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To address board concerns over spending time incorporating commission language into the code at the risk of exceeding the charge, L. Blakely suggested using the commission language from the Town Of Durham code as an example. G. McGrath agreed with using Durham's Section V as an exemplar. L. Blakely offered to further review the language to verify that it is applicable and suitable for presentation as an example.

R. Zamojcin suggested presenting the proposed code to the Board of Selectmen prior to a second public hearing. D. Ferree suggested requesting the committee be placed on the BOS agenda for June 17, 2010.

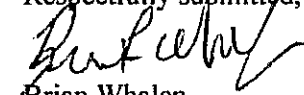
**Adjourn**

D. Ferree motioned to adjourn the meeting. P. Moon seconded and the motion passed unanimously.

The meeting adjourned at 8:31 p.m.

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

Respectfully submitted,



Brian Whalen  
Board Clerk