

Town of Southington
Ordinance Review Committee
Special Meeting Summary Minutes

A Special Meeting of the Ordinance Review Committee was held on Tuesday, February 7, 2017 at 6:00 pm in Council Chambers, Southington Town Hall.

Meeting was called to order at 6:00 pm by Chairperson Cheryl Lounsbury.

Committee Members Present:

Chairperson Cheryl Lounsbury, Vice Chairperson Christopher Palmieri, Garry Brumback, Mark Sciota, Bill Palmieri, Michael Riccio Ex-officio Member.

Committee Members Excused:

None.

Determination of a Quorum:

All members present quorum confirmed.

Review of Ethics Ordinance:

Chairperson Lounsbury opened the meeting by passing out the working copy of the Ethics Ordinance to citizens in attendance. Lounsbury explained that the red text was text to be deleted and the blue text was text that would be inserted. She further stated the working copy ordinance was intended to update the current Ethics Ordinance.

Lounsbury further explained that the working copy ordinance was designed from suggestions made by members of the Ordinance Committee, the general public and members of the Town Council. She also stated that public input from tonight's meeting would also be considered as the committee moves forward with the revision of the Ethics Ordinance.

Chairperson Lounsbury and Vice Chairperson Christopher Palmieri read the working copy ordinance to the citizens in attendance and then opened the meeting for Public Comment.

Michael Bunko 195 Hobart Street Southington, Connecticut:

He spoke in favor of the working copy ordinance and asked for clarification on the reporting aspect of the disclosure statement. Member Sciota confirmed it was a self-reporting disclosure process. Bunko further stated he felt the exclusion of spouses and children in the disclosure process was a good idea, along with using the Town Attorney as a resource.

Christopher Borowy 144 Frost Street, Plantsville, Connecticut:

He spoke in favor of the working copy ordinance, however, he felt spouses should be included in the disclosure process. He felt that including the spouses would reduce the chances of a spouse being used to deflect attention from the person serving the Town in their capacity.

Michael Fasulo 77 Southshire Drive, Southington, Connecticut:

He spoke in favor of the working copy ordinance and also asked clarification on who determines what might be a conflict and the need to disclose it, when filling out the disclosure statement. Member Sciota confirmed the decision to disclose is with the person filling out the disclosure statement.

Fasulo also stated the disclosure section in the working copy ordinance was proper. He further stated any increase in the disclosure section would reduce the ability of citizens to give back to the community by serving on boards and commissions. Fasulo said if a person violates the ordinance then they would be responsible for their actions.

Christopher Poulos 158 Prospect Street, Plantsville, Connecticut:

He spoke in favor of the working copy ordinance and said it is very important to have the 3rd party appeal process. Poulos also stated he supports the strict disclosure language.

Robert Salka 35 Nicolo Way Southington, Connecticut:

He spoke in favor of the working copy ordinance and confirmed with the committee that a person who seeks out advice of the Town Attorney would not be held responsible if an ethic violation was brought forward. The committee confirmed that action based on advice of the Town Attorney would remove responsibility on the person.

Joe Pugliese 36 Buena Vista Drive Southington, Connecticut:

He spoke in favor of the working copy ordinance; however, Pugliese questioned if the reimbursement limit of \$10,000.00 was enough, given the cost of legal proceedings and asked for clarification on whether the disclosure statement needed to be filled out either way. Member Sciota confirmed the disclosure statement needed to be filled out even if there was nothing to disclose. Pugliese stated he felt the term "conflict of interest" needed to be clearly defined within the body of the working copy ordinance.

Edward Pocock III 122 Windward Place Southington, Connecticut:

He spoke in favor of the working copy ordinance, and praised the committee for having open discussions on this important item. Pocock III further stated he brought up the disclosure process in July and felt it is important to have a disclosure process in the ordinance. Pocock III further stated he felt that spouses should be included in the disclosure process if they live in the home.

Greg Ali 417 Buckland Street Plantsville, Connecticut:

He felt there was no need for a disclosure process and that should be left to the person. He also stated that most people don't understand the effect a disclosure process has on business people.

Ellaine Sisson 82 Paul Heights, Southington, Connecticut:

She spoke in favor of working copy ordinance, however, she stressed that Ethics needs to be clearly defined and people need to completely understand the subject. She also felt if a person cannot disclose then that person should not serve the Town.

Carlene Footner 996 Meriden Waterbury Turnpike, Southington, Connecticut:

She spoke in favor of the working copy ordinance. Footner also stated having strong disclosure language gives residence faith that Public Officials are doing what's right. She also supports the immunity clause for any person who is given advice by the Town Attorney.

Michael Riccio 100 Old State Road, Southington, Connecticut:

He spoke in favor of the working copy ordinance. He also felt any inclusion of spouses could potentially reduce people from serving their community.

Both Riccio and C. Palmieri brought forward the discussion of training on the provisions of the ethics ordinance for all newly elected or appointed officials. The discussion further identified the Town Attorney as the possible trainer.

Vice Chairperson Palmieri:

He support the working copy ordinance, however, he felt the disclosure section needed to have stronger language and stricter disclosure requirements. Palmieri felt the working copy language was substantially weaker than the initial language proposed and suggested a middle ground between the original proposal and the revised proposal. He also felt strongly that the spouse exemption needs to be removed.

Erica Roggeveen Byrne 265 Bristol Street, Southington, Connecticut:

Vice Chairperson Palmieri read an email from Roggeveen-Byrne the email narrative is pasted below:

Dear Mr. Palmieri,

I am writing to you in support of the Ethics Committee's proposed changes to the Town of Southington Code of Ethics. By making these changes, the Town of Southington's Code of Ethics will follow recommendations from the state of Connecticut's Office of State Ethics, and hold members of decision-making bodies for the town to the highest ethical standards. As a taxpayer, knowing that those who are voting on decisions that have a financial impact on me - in particular the Town Council, Board of Education, and Board of Finance - have completed the required financial disclosures is important to me. Being a public servant, whether as an employee or a volunteer, carries with it the need to have the public's trust, and the proposed revisions allow town residents to feel secure that our representatives are acting in the town's best interest. I would hope that those who are called to serve our town feel that it is part of their obligation to be transparent and to disclose potential conflicts of interest.

Thank you for your time, end of email.

Chairperson Lounsbury closed the meeting at 6:55 pm, after asking for any other public input. She then thanked the citizens for providing their feedback and said there would be at least one more Ordinance Review Committee meeting, prior to sending the proposed ordinance forward to the Town Council.

Meeting Adjourned 6:55 pm.

Attachments; working copy ordinance, email from Erica Roggeveen Byrne.

Respectfully Submitted,



Bill Palmieri
Recording Secretary

William Palmieri

From: Garry Brumback <brumbackg@southington.org>
Sent: Tuesday, February 7, 2017 8:58 PM
To: CHRIS PALMIERI
Cc: William Palmieri; Cheryl Lounsbury
Subject: Re: Comments to be entered into the record at tonight's Ethics Committee meeting

Thanks Chris

Garry

On Feb 7, 2017, at 7:01 PM, CHRIS PALMIERI <CPALMIERI@southingtonschools.org> wrote:

Sent from my iPad

Begin forwarded message:

From: Erica Roggeveen Byrne <erica.roggeveen.byrne@gmail.com>
Date: February 7, 2017 at 1:14:00 PM EST
To: <Cpalmieri@southingtonschools.org>
Subject: **Comments to be entered into the record at tonight's Ethics Committee meeting**

Dear Mr. Palmieri,

I am writing to you in support of the Ethics Committee's proposed changes to the Town of Southington Code of Ethics. By making these changes, the Town of Southington's Code of Ethics will follow recommendations from the state of Connecticut's Office of State Ethics, and hold members of decision-making bodies for the town to the highest ethical standards. As a taxpayer, knowing that those who are voting on decisions that have a financial impact on me - in particular the Town Council, Board of Education, and Board of Finance - have completed the required financial disclosures is important to me. Being a public servant, whether as an employee or a volunteer, carries with it the need to have the public's trust, and the proposed revisions allow town residents to feel secure that our representatives are acting in the town's best interest. I would hope that those who are called to serve our town feel that it is part of their obligation to be transparent and to disclose potential conflicts of interest.

Thank you for your time,
Erica Roggeveen Byrne
265 Bristol St, Southington

This message contains confidential information and is intended for the individual named. If you are not the addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake And delete this e-mail from your system.'

RED: DELETION LANGUAGE

BLUE: NEW LANGUAGE TO BE INSERTED

§ 28-11 **Composition; terms; qualifications.**

A. The Board of Ethics shall be composed of four regular members and two alternate members, all of which shall be resident electors, to be appointed by the Town Council. Of the four regular members initially appointed, two shall be appointed for a term of three years and two shall be appointed for a term of two years. No political party shall have as appointees more than two regular members and one alternate member on the Board of Ethics at one time. All subsequent appointments to the Board of regular members and all appointments of alternate members shall be for a term of three years. Any member having served for six years in succession shall be ineligible for reappointment to the Board. For individuals filling a vacancy, successive years of service will commence with the next appointment period. No individual while a regular or alternate member of the Board shall hold any other Town office.

All members shall be electors of the municipality. No member shall (1) hold or campaign for any public office; (2) hold an officer's position in any political party or political committee; or (3) serve as a member of any other municipal agency.

B. If a regular member of the Board of Ethics is absent or is disqualified, the Chairman of the Board shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal in number of times as possible. If an alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

§ 28-14 **Investigation of conduct**
[Amended 7-11-1995; 4-24-2006]

(4) If the Board makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or Board or staff member shall disclose to any third party any information from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. If such a disclosure is made, the Board may, after consultation with the respondent if the respondent is not the source of the disclosure, publish its finding and a summary of its reasons therefor and it is concluded that the complainant is the source of the disclosure, then the Board may dismiss the complaint.

§ 28-15 **Report of findings.**
[Amended 7-11-1995; 4-24-2006; 10-9-2012^[1]]

If the Board of Ethics makes a finding of a probable cause violation of this Code, it may issue punishment by (1) public censure and reprimand; (2) in the case of a public employee not under a collective bargaining agreement, recommend dismissal from employment or suspension from employment without pay; (3) in the case of an appointed official, recommend dismissal from their appointment.

It shall report said finding to the appointing authority or the elected board or commission with recommendations as to the disposition to be made. The disposition shall be made by majority vote, excluding the respondent, in open session and on the record.

^[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

§ 28-16 **Right to appeal.**
[Amended 7-11-1995]

A. Any respondent aggrieved by the action of the Board of Ethics and the disposition made by the referral individual or board set forth in § 28-14 shall have the right to appeal the decision of such referral individual or board to the Town Council (except Board of Education employees other than the Superintendent, whose appeal shall be to the Board of Education) by filing a written statement of appeal with the Chairman thereof within 15 working days after the decision has been rendered by the referral individual or board and served upon the respondent by registered mail, return receipt requested. Upon receipt of such appeal, the Chairman shall schedule a hearing within 15 working days (unless such time limitation is extended by agreement of the respondent).

B. Upon such hearing to be conducted by the Town Council or the Board of Education, as the case may be, such body shall have full, complete and final authority to take such action as it may deem appropriate. The respondent and the complainant, at such hearing, shall have the right to present evidence in oral and written arguments.

A. Any respondent aggrieved by the decision of the board regarding a finding of a violation may within thirty days take an appeal to the Superior Court for the Judicial District of New Britain. If the aggrieved respondent is successful in his appeal, then the Town of Southington shall reimburse reasonable attorney's fees to the aggrieved respondent in an amount not to exceed Ten thousand (\$10,000) dollars.

A. The purpose of this section is to require all elected and appointed public officials, public employees appointed by the town council, public employees appointed by a town commission, and non-collective bargaining heads ("Town Official") to file with the Town Attorney's Office a Statement of Assets that conflict with the office that they hold (the "Statement").

1. The Statement shall be filed under oath within 30-days of the acceptance of an appointment by a town official and updated annually thereafter.

2. The information required in the Statement shall include that of a town official's spouse (unless the spouse objects) and the dependent children living in a town official's household.

B. The Statement shall include the following information:

1. The names of all businesses (including corporations, partnerships, LLC's, Trusts, et cetera with which they are associated that have a reasonable likelihood to conflict with the town official's performance of their office.

2. A list of real property (including leases) owned by the town official or any entity with which they are associated that is located in the Town of Southington that has a reasonable likelihood to conflict with the town official's performance of their office.

C. Any town official may request an opinion from the town attorney as to whether a financial interest of theirs constitutes a reasonable likelihood of conflict for purposes of inclusion in the Statement or whether the town official has a conflict in regard to a particular matter. The opinion of the town attorney shall be conclusive as to the absence of conflict. Such town official has the right to appeal the opinion of the town attorney to the Southington Board of Ethics.

D. Failure by a town official to comply with this section shall be sufficient cause where allowed by law to remove such town official from office.