

Town of Southington  
Ordinance Review Committee  
Special Meeting Summary Minutes

A Special Meeting of the Ordinance Review Committee was held on Tuesday, February 21, 2017 at 4:00 pm in Council Chambers, Southington Town Hall.

Meeting was called to order at 4:00 pm by Chairperson Cheryl Lounsbury.

**Committee Members Present:**

Chairperson Cheryl Lounsbury, Vice Chairperson Christopher Palmieri, Garry Brumback, Mark Sciota, Bill Palmieri.

**Committee Members Excused:**

None.

**Determination of a Quorum:**

All members present quorum confirmed.

**Review of Ethics Ordinance:**

Chairperson Lounsbury opened the meeting by requesting Deputy Town Manager/Town Attorney Mark Sciota to address an email sent by Theresa Albanese. (see email attached to these minutes).

Sciota stated the new section of ordinance language if passed would take effect for effected parties after the upcoming November 2017 election. Sciota stated that all elected and appointed officials would within thirty (30) days of their election or appointment have to submit their disclosure statement within 30 days after their election or reappointment.

Sciota further stated that any elected official or appointed Board or Commission member would be covered under the Town's Liability Insurance, as long as they were acting within the scope of their office/position.

Sciota also requested a series of emails that had been sent from community residents be placed into the meeting record. The committee all agreed and the following emails are attached as part of the meeting record:

- Theresa Albanese
- Mary Baker
- Michael DeSanto
- Rebecca Terricciano
- Joe Pugliese
- Paul Chaplinsky

Chairperson Lounsbury thanked Sciota for the information and opened the meeting for Public Comment.

Terry Carmody 158 Tanglewood Drive Southington, Connecticut:

Carmody requested confirmation that the disclosure language was the responsibility of the person and that if the person felt they owned or were involved in nothing that would be a conflict of interest they would only need to document that fact. She also felt that no language should force a person to disclose things just for the sake of disclosing and the responsibility should be on the person.

Deputy Town Manager/Town Attorney Mark Sciota confirmed the requirement to disclose is the responsibility of the person based on the disclosure language located in 28-18B1 which states; "The names of all businesses (including corporations, partnerships, LLC's, Trust, etcetera with which they are associated that have a reasonable likelihood to conflict with the town official's performance of their office".

Sciota also spoke to the need to add new language that was brought up at the February 7, 2017 special meeting, which would create process to for all elected and appointed officials to meet with the Town Attorney within thirty (30) days of their election or appointment to review the ethics ordinance. The new language would be added to section 28-17 of the Ethics Ordinance Consultation with Town Attorney; confidentiality, this langue is shown below:

- ***28-17 C. All newly elected and appointed officials shall meet with the Town Attorney within thirty (30) days of their election or appointment to review the ethics ordinance.***

Vice Chairperson Christopher Palmieri made a motion that spouses and dependent children of an elected official or non-collective bargaining unit employee are required to disclose. The motion received a second from Sciota, a voice vote was taken an all members were in favor.

Vice Chairperson Christopher Palmieri stated that the requirement to disclose was very ambiguous and needed clarification in order for disclosure statement to work as designed. Chairperson Lounsbury agreed with Palmieri's positon on the language.

Sciota stated the language was clear based on the current disclosure language. There was further discussion and C. Palmieri requested a reference within the disclosure language back to the definition of a conflict of interest found in Section 28.5 of the Ethics Code. The committee all agreed to add this reference as part of the disclosure language.

There also was some discussion, if the discourse statement should apply to all elected officials, appointed board members and non-collective bargaining unit employees. Both Chairperson Lounsbury and Vice Chairperson Palmieri stated they felt the disclosure statement should only apply to elected officials, elected board members and non-collective bargaining unit department employees.

Town Manager Garry Brumback made a motion that outlined the process for completing the Ethics Ordinance Review process. The motion received a second from Vice Chairperson Christopher Palmieri, a voice vote was taken an all members were in favor. The process motion is listed below:

- Proposed changes are sent to all effective parties.
- Final Draft Ordinance to be sent to the Town Council on Monday, March 27, 2017.
- Public Hearing on the Ordinance to be held on Monday, April 10, 2017.

Chairperson Lounsbury closed the meeting at 4:26 pm, after asking for any other public input.

Meeting Adjourned 4:27 pm.

Meeting Record Attachments;

- Working copy ordinance
- Emails presented for record.

Respectfully Submitted,

Bill Palmieri  
Recording Secretary

02-21-17 w.r.

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 if 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<sup>[1]</sup>]

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. II).

§ 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.

§ 28-18 Statement of Financial Interests

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.

## Mark Sciota

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**From:** Albanese, Theresa <Theresa.Albanese@mottmac.com>  
**Sent:** Monday, February 13, 2017 2:29 PM  
**To:** Mark Sciota  
**Subject:** RE: February 21, 2017

Mark,

Thank you for this early notice of the next Ordinance Review Committee meeting.

Unfortunately, I have a prior commitment and meeting in Rocky Hill at 5pm so I will not attend.

I have a few questions which I would like the committee to address and explain, specifically related to the ethics ordinance revisions:

- Will a grandfather clause be included in the ordinance revision or is this applicable to all current members/appointed officials? Or is this for new appointments/elected/hired officials?
- Depending on your answer to above, if we feel we need to submit the financial disclosure form is this required annually or when an appointment is due? I anticipate that during the swearing in and oath acceptance this will be a standard requirement.
- As a commissioner appointed by the Town Council, does the Town provide professional liability insurance for errors and omissions as we are not protected by the Good Samaritan law in CT? In the role I serve for the town as a Conservation Commissioner, to clarify...

If I have some additional questions I will send to you directly one day prior to the 2/21 meeting. However, if you can answer these questions prior to the meeting that would be appreciated.

There are gray areas and more clarification is needed, as determined from the comments and questions posed at the last ordinance meeting.

Please submit my questions to the committee for review.

Thank you,

Best, Theresa

**Theresa A. Albanese, PWS**  
Senior Project Manager  
Energy Americas | Pipelines, Oil & Gas North

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[theresa.albanese@mottmac.com](mailto:theresa.albanese@mottmac.com)



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134 Capital Drive, Suite D  
West Springfield MA 01089  
United States of America

[Website](#) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

**From:** Mark Sciota [mailto:sciotam@southington.org]

**Sent:** Monday, February 13, 2017 1:39 PM

**To:** Board of Education Members <BoardofEducationMembers@southington.org>; Dee Rodriguez <idee.networks@gmail.com>; John Solury <jsolury@southington.org>; Mark Meade <MarkJMeade@att.net>; Mat Florian <mat@florianproperties.com>; Michael Gaudio <mgaudio@cox.net>; Cheryl Lounsbury <clounsbury@cox.net>; Chris Palmieri <cpalmieri@southingtonschools.org>; Christopher J. Palmieri <christopherjpalmieri@gmail.com>; Dawn A. Miceli <jndmiceli@aol.com>; Edward Pocock III <tce-3@cox.net>; John N Barry <jnbarry@att.net>; Michael A. Riccio <michaelriccio67@gmail.com>; Paul Champagne (plchmpgn@cox.net) <plchmpgn@cox.net>; Tom Lombardi <tglobardi@gmail.com>; Victoria triano <trianov@southingtoncare.org>; Andrew Meade <frandyneade@cox.net>; David Kimmel <d.kimmel@cox.net>; Gloria Brown <gloriawea1@aol.com>; Phil Pomposi <philpjp@aol.com>; wweber@webercarrier.com; Edward S. Pocock, Jr. <edward.pocock@cox.net>; James W. Coleman Sr. <jcolemansr@southington.org>; John J. Leary <jleary@southington.org>; John P. Moise <jmoise@southington.org>; Joseph K. Labieniec <JLabieniec@southington.org>; Kevin R. Beaudoin <kbeaudoin@southington.org>; Christopher Robertson <crobertson@nclonline.com>; Dave Kanute (d.kanute@cox.net) <d.kanute@cox.net>; Mary Baker <mbaker@southington.org>; Michael Bunko <mbunko@aol.com>; Wayne W. Stanforth <wayne@wws-cpa.com>; Erika Pocock <epocock@southington.org>; Gregory A. Klimaszewski <Gklimaszewski@southington.org>; Michael S. Domian <Mdomian@southington.org>; Robert M. Berkmoes <rberkmoes@jamestakay.com>; Thomas Murphy <tmurphy@southington.org>; Carmillia Kimmel <ckimmel@southington.org>; Deborah Ruzzi (daruzzi@cox.net) <daruzzi@cox.net>; George Pohorilak (gpohorilak@gmail.com) <gpohorilak@gmail.com>; Karen Leary <kleary@southington.org>; Lisa Jansson <Jansson06489@gmail.com>; Lori Holm <lholm@southington.org>; Marlene Carbone <mcarbone@southington.org>; Mary Etter <metter@southington.org>; Susan Spatafore <sspatafore@southington.org>; Chris Borowy <cborowy@sikorsky.com>; Greg Ali (gregalis@aol.com) <gregalis@aol.com>; Jeff Crown (jcrown@trustlawyer.com) <jcrown@trustlawyer.com>; Jeremy Taylor <jt@jeremytaylorlaw.com>; Jim Sullivan <jpsully64@cox.net>; John Fusco (jfusc1@sbcglobal.net) <jfusc1@sbcglobal.net>; Albanese, Theresa <Theresa.Albanese@mottmacna.com>; Walter Grover <wgrover75@hotmail.com>; William Camp (Billcamp48@gmail.com) <Billcamp48@gmail.com>; Phil Wooding <phillipkwooding@hotmail.com>; daviddellavecchia@cox.net; Jeffrey Wight (jeffreyawight@gmail.com) <jeffreyawight@gmail.com>; John Vey Jr (ajvey@cox.net) <ajvey@cox.net>; Sharon O'Brien (sharon@hillside-properties.com) <sharon@hillside-properties.com>; Beth Pestillo (bpestillo@applicationdevelopers.com) <bpestillo@applicationdevelopers.com>; Bob Cusano (lucille.cusano@gmail.com) <lucille.cusano@gmail.com>; hkbcook@cox.net; Jeanne & Kevin Curtiss (curtiss.kevin@att.net) <curtiss.kevin@att.net>; Kelly Nichols (knichols@southingtonschools.org) <knichols@southingtonschools.org>; Marion Manware (manware@yahoo.com) <manware@yahoo.com>; Mary Ellen D'Angelo (irishmeme@gmail.com) <irishmeme@gmail.com>; Pat Kraut (robert.kraut@snet.net) <robert.kraut@snet.net>; Albert A Natelli <albert.natelli@sbcglobal.net>; Michael Fasulo <mike@fa-cpas.com>; Mike DeFeo <mike.defeo@monsterenergy.com>; Peter Romano (peter.romano@cox.net) <peter.romano@cox.net>; Robert Galati (rg2331@cox.net) <rg2331@cox.net>; Garry Brumback <brumbackg@southington.org>; Joe Marino (jgmarino@sbcglobal.net) <jgmarino@sbcglobal.net>; Judy Miceli <judithmiceli@gmail.com>; Stephanie A. Urillo <saurilloddspscgon@sbcglobal.net>; Jim Morelli <jimmorelli@cox.net>; James Sinclair <JDSinclair@cox.net>; Jennifer Clock <jclock@neis1.com>; Joseph Coviello <jcoviell@gmail.com>; Michael DelSanto <MDeSanto@southington.org>; Paul Chaplinsky Jr. <PChaplinsky@southington.org>; Robert Hammersley <rhammersley@southington.org>; Ross Hart <rhart@southington.org>; Susan Locks <Slocks@southington.org>; Ted Cabata <ted.cabata@gmail.com>; Ed Malczyk <malczyk@southington.org>; Robert Sherman <shermanr@southington.org>; Ann Dandrow <gdadnrow@aol.com>; Cliff Snow <snow9931@hotmail.com>; Connie Proll (ccproll@yahoo.com) <ccproll@yahoo.com>; Elliott Colasanto (elliottcolasanto@gmail.com) <elliottcolasanto@gmail.com>; Kimberley Roy (kimroy67@gmail.com) <kimroy67@gmail.com>; Mark White (c.mark.white@cox.net) <c.mark.white@cox.net>; Paul Shupenko <newemerydrive@aol.com>; Rudy Cabata (rcabata@sbcglobal.net) <rcabata@sbcglobal.net>; Kathy Larkin <larkink@southington.org>; Jeffrey Gworek <jgworek@desct.com>; Joseph Pugliese (jaypug06791@hotmail.com) <jaypug06791@hotmail.com>; Matt O'Keefe <mjokeefe@jacksonokeefe.com>; Paul Bedard (paulbedardonline@yahoo.com) <paulbedardonline@yahoo.com>; Robert Salka <rsalka@cox.net>; Ronald Bohigian (ron.bohigian@sbdinc.com) <ron.bohigian@sbdinc.com>; Ryan Rogers <ryanrogers2011@gmail.com>

**Subject:** February 21, 2017



Ladies & Gentlemen: Attached is an Agenda for the next meeting of the Ordinance Review Committee on February 21, 2017. Mark

/lyg

Mark J. Sciota

Deputy Town Manager/Town Attorney

Town of Southington

Telephone: 860-276-6221

Facsimile: 860-276-6286

Email: [sciotam@southington.org](mailto:sciotam@southington.org)

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## Mark Sciota

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**From:** Mary Baker <mebaker5@cox.net>  
**Sent:** Tuesday, February 21, 2017 7:28 AM  
**To:** Mark Sciota; Garry Brumback; Cheryl Lounsbury; Chris Palmieri;  
captpalmieri@southingtonpolice.org  
**Subject:** Re: Ordinance committee minutes

Atty. Sciota, I'm unable to attend this afternoon's ordinance committee meeting due to work. I reviewed the link to the 2-7-17 minutes but could not find a color version on the Town's website. Can you please e-mail me the link or post on the front page as was done in December?

I still object to the Statement of Financial interest for a volunteer. I think we effectively take an oath to serve and recuse ourselves when appropriate.

I don't understand the "if the spouse objects" clause. Why at all? And why not have the children object?

I'd like to hear more about what other Towns require. I believe that Southington residents will hesitate to volunteer for their Town with this proposal. I'm also concerned with current service and the timing of the filings.

Thank you,  
Mary

Sent from my iPad

On Feb 13, 2017, at 1:38 PM, Mark Sciota <[sciotam@southington.org](mailto:sciotam@southington.org)> wrote:

Ladies & Gentlemen: Attached is an Agenda for the next meeting of the Ordinance Review Committee on February 21, 2017. Mark

/lyg  
Mark J. Sciota  
Deputy Town Manager/Town Attorney  
Town of Southington  
Telephone: 860-276-6221  
Facsimile: 860-276-6286  
Email: [sciotam@southington.org](mailto:sciotam@southington.org)

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<February 21 Agenda\_20170213113539.pdf>

## Mark Sciota

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**From:** Michael DelSanto  
**Sent:** Tuesday, February 21, 2017 8:23 AM  
**To:** William P Palmieri; Mark Sciota; cpalmieri@southingtonschools.org; Garry Brumback; Cheryl Lounsbury  
**Subject:** Ethics

Good morning Gang,

I know you will probably receive some emails today regarding the upcoming ethics meeting this afternoon.

While I echo others' concerns regarding the possibility of losing some fine volunteers that are currently serving on various boards and committees- my paramount concern is that if an appointee or elected official is *opposed* to the proposal, the perception could be that they have "something to hide."

We have incredible people serving on our town boards and commissions. Let's not throw the baby out with the bath water by painting with such a broad brush. With these positions, we need to have faith that each party selects members that have integrity and will continue to do the right thing and recuse themselves if there is ever a potential conflict of interest.

Also, I have a tremendous amount of faith in Mark and Gary and have reached out to them in the past to inquire if I should recuse myself for an application before us. Their direction has always been true and just.

I want to thank you all for serving on this committee. I know you are all in an unenviable task ahead but I also know you all have the skills and the experience to do what is best for the entire community.

Best  
Mike Del Santo  
Chairman  
Southington Planning and Zoning Commission

Sent from my iPhone

## Mark Sciota

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**From:** Rebecca Terricciano <rebeccaterricciano@gmail.com>  
**Sent:** Tuesday, February 21, 2017 10:30 AM  
**To:** Garry Brumback; Mark Sciota; slounsbury@cox.net; Christopher J. Palmieri; cpalmieri@southingtonschools.org; William P Palmieri  
**Subject:** Today's Ordinance Committee -Ethics

Dear esteemed members of the Town Ordinance Committee,

Southington has a rich history of her residents giving back. Our town sports are staffed by passionate volunteers who are looking to share their enthusiasm. Our civic groups are populated with long-time volunteers who make every effort to make our town better. Our paid staff positions, teachers and other town employees, are filled with people who give more than their job description entails. Our elected officials put in the longest hours possible to ensure our town is as progressive and appealing as possible. All of these great residents are the backbone of our community and our local government. We elect and appoint honest and upstanding people to our boards and commissions and expect them to act in our best interest.

Making changes to our Town Ordinance that will adversely affect the amount of people willing to serve will be detrimental to the future of our community. Please protect our citizens with proper ethics laws, but not at the expense of our volunteers who give countless hours of their free time to serve our community. Attorney William Weber has put forth a logical and meaningful proposal that will do just that. I encourage you to adopt it in its entirety.

I hope we are able to move forward as a town with the tradition of volunteerism that our town has grown to know and love. Extra impediments to that, requiring needless reporting, will only hurt the future of Southington and her progress.

Thank you for your time.

Rebecca Terricciano  
172 Old Farms Road  
Southington, CT 06489  
[Rebecca.Terricciano@gmail.com](mailto:Rebecca.Terricciano@gmail.com)  
860-538-1435

## Mark Sciota

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**From:** Joe Pugliese <jaypug06791@hotmail.com>  
**Sent:** Tuesday, February 21, 2017 12:42 PM  
**To:** Garry Brumback; Mark Sciota; Cheryl Lounsbury; Christopher J. Palmieri; CPALMIERI@southingtonschools.org; William P Palmieri  
**Subject:** Ethics revision document

Greetings all,

The following is my position on the proposed ethics reform. While at the last meeting I did not achieve my intended goal. I do not want to add further restrictions in section 28-18. Please consider this as you go forward with this document.

Thanks for your time,  
Joe Pugliese

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The following are my thoughts regarding the proposed ethics requirements for the town of Southington. Upon reading the revised ethics document, I understand it is hoped this new requirement will prevent further conflict of interest issues going forward. I feel most of the changes to this document are reasonable, but I cannot agree with it in its entirety.

After a review of this document, I support and agree with 28-11, 28-14, 28-15.

28-16A

If this process is used and the person in question is found innocent of wrong doing, the town should reimburse all expenses related to his defense with no arbitrary limit that in effect is an unjust penalty or at least be open to discussion on this subject.

28-18A, B

I am unable to see the value in this section as these requirements are arbitrary and there is no mechanism that ties these disclosures to restrictions on our actions on the boards or gives us guidance that is not already available to us through the Town Attorney. It seems to only give others a tempting way to create dissent and public distrust where no issue is present. As we have seen with the last ethics case. There are some people that have express resistance to volunteering if this part of the document is approved and the town will lose out if we prevent knowledgeable, civic minded individuals from stepping forward in the future.

28-18C, I feel the inclusion of this paragraph is desirable and would have prevented the last case that caused this entire subject to exist. **This is the most important change in the entire document.**

28-18D This section describes action that will be taken against anyone that does not comply with this document, but specifically excludes the boards that are elected as the state code does not allow this action in the case of elected officials. The very boards that are most likely to have a significant conflict of interest while forcing the library board members and many others to conform to this requirement.

In summary, It still falls upon the board member to decide if there is a potential conflict and proceed accordingly.

I feel the selection of board members is a process of vetting by the town voters (if elected), or the political chair and the town council (if appointed). We also take an oath of office. Furthermore, any one person does not have the power to decide the outcome of a vote by himself as a majority or supermajority is needed for a vote to pass. This process already helps to ensure only the best decisions go forward in our respective areas of responsibility.

I feel it is the responsibility of the board member to monitor and be proactive on the subject of ethics and conflicts of interest as I see no way to be successful with regulations. If there is a potential issue, the town will be better served if the regulations spell out mechanisms and procedures to address the issue and make the process functionally valid, non partisan and fair to all. For these reasons, I feel this draft in its current form is overkill and in need of revision.

Thank you for your time.

Respectfully submitted

Joe Pugliese

36 Buena Vista dr.

## **Garry Brumback**

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**From:** Paul Chaplinsky <pchaplinsky@sbcglobal.net>  
**Sent:** Tuesday, February 21, 2017 3:15 PM  
**To:** Garry Brumback; Mark Sciota; Cheryl Lounsbury; Christopher J. Palmieri; William P Palmieri  
**Subject:** Ethics

Lady and Gentlemen,

I was given your names as those having a meeting today regarding the various proposals before you regarding changes to our ethics code. First, I want to thank you for your service and I realize this is a challenging and emotional topic that is not easily tackled. Second as I provide you my perspective please note other than my home I do not own other properties, businesses or have any partnership stakes in the same nor do I have direct family members who do. I hope I come to you as an unbiased opinion.

I ask you to consider the following: in the more than 50 years that our Town Government has been operating under the Town Manager/Council architectural has our current ethics policy not been sufficient? How often has it created problems for us? Does it need to be fixed? I feel the answer to how many is once (last year) and it has not been a widespread or reoccurring problem BUT we should learn from that one experience and see if some learnings can be applied (let's also recognize politics played a role- but that's not what's being debated here).

In my opinion, some improvements can be made. For example, I am in favor of ethics appeals going to an independent board or court (state level or other?). Again, this has happened 1 time in 50 years. I also believe some changes to the appointment process might be valuable to evaluate. For example, maybe only non-politically affiliated persons are appointed or appoints of one party can not appoint someone from their own party?? I also like the idea of making the Town Attorneys perspective binding for an elected official. So in essence if a disclosure is made and our Town Attorney decides there is not a conflict then the decision is final or Vic's versa). I am also generally in favor with what I have read from the well thought out proposal from Attorney Bill Weber as he is also someone with prior town government experience, a legal background and an ethics background who comes to us with a non biased eye from a different community (Berlin). He does not have deep rooted political ties to our government...I think we need to step out of our political oculars and take careful considerations to this type of perspective.

Finally, I ask that you carefully consider the larger proposal (that mirrors state employee or state legislature disclosure) which requires full disclosures that everyone has access to and ask yourself "if this information is available, would it have changed things or will it change things in a positive way?" If not, don't make the change. For

instance today the Town Attorney reviews on a case by case basis any disclosure and provides guidance to an elected official of a conflict or not. Ultimately the elected official needs to decide to heed that guidance or not. The decision of the elected official can still result in an ethics complaint which may need full ethics review. The newly proposed "full up front disclosure" does nothing to make this process better or more efficient for elected officials and our residents. In fact I believe it only adds POTENTIAL for more chaos, more politics and more disruptions to our processes while certainly driving many highly qualified and intelligent individuals out of elected government.

We can take steps towards improvement and continually evaluate our progress along the way. You are all extremely intelligent people and trusted as leaders in our community. I also trust you will represent our residents and our community and also our elected officials with a responsible and sensible recommendation back to our Council that makes positive improvements to our ordinance but does not "swing the pendulum" too far too one side too quickly as often happens in politically motivated initiatives.

Most sincerely,

Paul Chaplinsky  
Vice Chair Planning and Zoning Commission