

## **APPROVED MINUTES**

Board of Ethics  
**February 17, 2011**

Members Present: Nancy Arnold, Anthony Fappiano, Ken Wilson, Arthur Benson and Fred  
Brisbois  
Staff Present: Sarah Judge, Secretary of Record

The meeting opened at 4:30pm

### **Approval of January 20, 2011 minutes:**

*Upon a motion by Commissioner Wilson, seconded by Commissioner Fappiano it is voted to approve the January 20, 2011 minutes.*

### **Public Forum:**

n/a

### **Discuss potential revisions to existing code of ethics:**

Review of changes made from the prior meeting.

#### § 31-5. Prohibited activity.

##### H. Nepotism and Undue Influence.

Discussion regarding nepotism -

Commissioner Benson – I feel this section is missing something. Perhaps it should say “...must be hired following only the normal recruitment and selection process...”

Commissioner Fappiano – I think the word “must” helps but using “only” would emphasize.

Commissioner Wilson - I think “must” clarifies.

Commissioner Fappiano – who determines what normal, is?

Commissioner Benson – there is a Personnel Policy Manual given to new employees with their packet but not a handbook. The Selection Policy and a few other sections are pertinent to our Code.

Commissioner Fappiano – perhaps include wording such as “...as prescribed in the Personnel Policy Manual...”

Commissioner Wilson – I think we should remove the word “normal” because normal is different for various departments.

Commissioner Arnold – does this apply to the School Board?

Commissioner Benson – no.

Commissioner Wilson – they have a similar personnel conduct policy.

Commissioner Fappiano – maybe identify specific policies or “policies of record.”

Commissioner Benson – shall we use “... following normal recruitment and selection process as prescribed by the policies of record for the Town of Guilford and Board of Education?”

I think we need to amend H. 2. Regarding contracts and purchase orders. The Town has a Purchasing Processes and Procedures Manual.

Commissioner Fappiano – we would use the same wording as in H. 1. regarding policies of record.

#### § 31-6. Board of Ethics.

Commissioner Benson – under Section C. maybe “secretary” should be listed as vice chairmen?

Commissioner Arnold – I have seen both.

Commissioner Wilson – I have seen both as well, but usually a vice chair.

Commissioner Benson – Nancy, you are the ‘secretary’ but would cover as chair if needed.

Let’s add vice chair to this section.

Under Section D. we should add specific information on where to send the complaint “...forwarded to: Chairman of the Board of Ethics, Town of Guilford, 31 Park Street, Guilford, CT 06437. “

Maybe the first sentence regarding the hearing should be second. At what point is the need for a hearing determined, via email or at a meeting?

Commissioner Fappiano – we determined that at a meeting in the past.

Commissioner Benson – when a complaint is received I will distribute it and we will set a meeting to determine if a hearing is needed.

Commissioner Brisbois – I believe we cannot conduct business via email.

Commissioner Benson – we could add the wording “...hold a meeting to decide if...”

Commissioner Fappiano – we have gone straight to hearing without a meeting to discuss first, to determine if we had jurisdiction.

Commissioner Wilson – I think we should specify the steps in the process. I agree with switching the order of the first and second sentences of this section.

Discussion regarding notifying the person whom the complaint is filed against.

Commissioner Wilson – what if a hearing is determined not necessary at the meeting?

Further discussion.

Commissioner Benson – maybe we should change the notification for after the decision is made that a hearing is warranted.

Commissioner Brisbois – we need to make it clear that the decision at the meeting is only to determine jurisdiction.

At the meeting, only determine if the matter is appropriate, we will not hear details on the matter. On the agenda, do not list names, just say “to discuss complaint.”

Commissioner Benson – an advisory is different than a complaint.

Commissioner Wilson – what happens if the person brings a written complaint directly to one of our meetings?

Commissioner Arnold – it is our discretion to discuss it at that meeting or hold another.

The policy still needs to be followed.

Commissioner Wilson – should there be a reference to the Town Charter?

Commissioner Benson – that is a legal question.

Commissioner Arnold – when we did the Charter, the Town Attorney was deeply involved.

Commissioner Wilson – the Code is part of the Charter.

Commissioner Wilson left at 5:37pm

Discussion regarding the past process regarding the complaint process.

Commissioner Fappiano – we’ve never really had a public hearing with both parties represented.

Commissioner Benson – the process now is as follows: 1) Receive complaint; 2) Circulate amongst commissioners; 3) Meeting arranged and held to determine if hearing is warranted and; 4) Notify both sides regarding the hearing.

Section 31.6 E.

Commissioner Benson – we don't sanction anyone, we just report our findings to the Board of Selectmen or the Board of Educaiton.

Commissioner Arnold – we need to take care to notify the proper parties at the proper time.

Commissioner Benson – I think (E) is suitable.

Section 31.6 F. Advisory Opinions.

Commissioner Brisbois – it should be extended beyond officials, to encourage people to come forward.

Discussion regarding complaint v. advisory opinion,

Commissioner Benson – do we agree that there is a difference?

Commissioner Arnold - I am not sure. Maybe we should require written requests for both.

Commissioner Benson –the complaint is not restrictive.

Commissioner Fappiano – any complaint or advisory opinion must have a Town official, etc. as a component.

Neighbors v. neighbors are not applicable.

Commissioner Benson – we should add the word “written” to (F)

Commissioner Brisbois – it is important to include all employees.

The word “official” in the Code encompasses all employees.

Commissioner Arnold – are the minutes posted in draft form?

Yes.

Section 31.6 G. – H

-ok as is.

Commissioner Benson – I will check on the Town Charter.

The next meeting will be Thursday, March 17, 2011 at 4:30pm.

-work on the flow for 31.6 D.

-Sarah will get a draft of the Code distributed and will be reviewed at the next meeting.

Then with no further business before it, upon a motion by Commissioner Arnold, seconded by Commissioner Brisbois it was unanimously voted to adjourn the meeting of the Board of Ethics at 6:10pm.

Respectfully submitted,

Sarah Judge - Recording Secretary