

APPROVED MINUTES

Board of Ethics

March 17, 2011

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

The meeting opened at 4:30pm

Approval of February 17, 2011 minutes:

Upon a motion by Commissioner Wilson, seconded by Commissioner Fappiano it is voted to approve the February 17, 2011 minutes as amended.

Public Forum:

n/a

Discuss the request for opinion – Gary Gilbert

Mr. Gilbert is requesting an advisory opinion from the Board of Ethics regarding his home based business, Digital Concepts Group, LLC" submitting a quotation for the "2011 beach pass printing project."

Mr. Gilbert provided some background information on the situation. He is a commissioner on the Park and Recreation Commission but his term is up and he will be leaving as soon as they find a replacement.

Commissioner Arnold – when are you leaving the Park and Recreation Commission?

Mr. Gilbert – I volunteered to stay until a replacement is found since they are short handed.

Commissioner Arnold – when you bid on this, will you name be on the bid?

Mr. Gilbert – the department will know about my bid and I also carbon copied Rick Maynard and Ralph Schipani on my letter to the Board of Ethics. I want everything to be disclosed.

Commissioner Fappiano – I don't see any problem with you bidding as long as you let it be know who you are.

Commissioner Benson – Is the Commission involved in the decision?

Mr. Gilbert – because it is for a small amount it doesn't go through purchasing. It is a quotation more than a bid. They do not do a formal bid for this.

Discussion regarding the Purchasing Policy.

Commissioner Wilson – do we have a past practice for this? Mr. Gilbert has been up front and open and is following the proper procedures.

Commissioner Arnold – I would like to see you follow up with the Park and Recreation chairman with a letter.

Mr. Gilbert- there is a budget workshop Monday, I will bring it up then so they are aware.

Commissioner Benson – I don't think your town service should preclude you making a living. I think the key is to follow purchasing procedures. We are trying to protect you as well as the town. You need to make sure that the department has the approval of the purchasing department.

Mr. Gilbert left at 4:55pm

Commissioner Wilson – there are about 740 employees throughout the town so there is a great potential for perceived conflicts.

I am on the Board of Fire Commissioners with Gary Gilbert, should I recuse myself from this vote?
No.

Upon a motion by Commissioner Fappiano, seconded by Commissioner Wilson it was unanimously voted that it does not find any conflict of interest or any other ethical issue with Gary Gilbert's home based business "Digital Concepts Group, LLC" submitting a quotation for the "2011 beach pass printing project" provided the following measures are included in his activity:

- 1. He discloses his relationship with the Park and Recreation Commission to all involved with the project.*
- 2. He follows all of the Town Of Guilford's official Purchasing procedures.*
- 3. He should be certain that the Town Purchasing Department is aware of his relationship with the Town and approves fully with his participation.*

Commissioner Benson will write a letter to Gary Gilbert regarding the outcome of his request.

Discuss potential revisions to existing code of ethics:

Review of changes made from the prior meeting.

Commissioner Brisbois emailed a flowchart in anticipation that he would not be able to attend the meeting. Commissioner Benson provides a handout of his suggestion regarding § 31-6. Board of Ethics. (D) Discussion.

Can the decision whether or not to hold a hearing be made by email?

FOIA can be an issue with email.

Discussion

- there should be a meeting to determine if a hearing is warranted.
- complaint and opinion handled differently.

Revise § 31-6. Board of Ethics. (D) to clarify process.

Make § 31-6. Board of Ethics. (E) Request for Advisory Opinion

Discussion regarding matters of record.

- executive sessions if needed.

Discussion regarding standard of conduct vs. ethics

Next meeting will be Thursday, May 5th at 4:30pm.

Then with no further business before it, upon a motion by Commissioner Arnold, seconded by Commissioner Wilson it was unanimously voted to adjourn the meeting of the Board of Ethics at 5:45pm.

Respectfully submitted,
Sarah Judge - Recording Secretary