

DRAFT MINUTES

Board of Ethics

March 4, 2010

Members Present: Nancy Arnold, Anthony Fappiano, Jeffrey Beatty, Arthur Benson, and Fred Brisbois

Staff Present: Sarah Judge, Secretary of Record

****NOTE: Please be advised that at this time the following are strictly "Draft Minutes" until approved by the Board of Ethics*
Once approved the minutes will be marked as "Approved Minutes" and will be available in the clerk's office or upon request.***

The meeting opened at 5:03pm

Request for opinion - Gary MacElhiney

Mr. MacElhiney wants to make sure there would be no conflict for him to be a referee for lacrosse and soccer while he is an elected member of the Board of Selectman. He was paid for his referee services previously by the Guilford Board of Education.

He is not and has not received any bribes and the pay is minimal.

Upon a motion by Commissioner Beatty, seconded by Commissioner Fappiano it is unanimously voted that there is no conflict for Mr. MacElhiney to continue to referee.

Request for opinion – Michael Ayles

Mr. Ayles is before the Board of Ethics to determine whether there would be a conflict for the architectural firm he works for and is a principle of to participate in the bid process in regards to the new school since he is a member of the Board of Finance.

The RFQ is due March 5, 2010 and the firm is ready to submit their RFQ but wanted to speak to the Board of Ethics first.

Mr. Ayles heard about the bid from industry colleagues as well as it being publicly announced in the newspaper.

He keeps his firm and position with the Town separate. He will be involved in the design and construction process.

Commissioner Fappiano: He may have to recuse himself from votes and discussions regarding the project and provide full disclosure of who he works for.

Mr. Ayles: The RFQ stage is simply submitting qualifications, no numbers are involved. The High School Selection Committee will accept the responses and that Committee will narrow it down to four. Those four will be asked to submit an RFP and participate in an interview and then to Board of Education and then to the Board of Selectman. The Board of Finance won't be involved in the selection process; they will only approve the expenditure.

The selection committee does know who Mr. Ayles is and what his role is.

Further discussion on the process.

Commissioner Benson: Have you disclosed your involved to the Board of Finance?

Mr. Ayles: The Middle School Planning Committee is aware but has not told them or the Board of Finance that he is considering bidding for the project.

Commissioner Arnold: If your firm is chosen, what will your involvement be?

Mr. Ayles: Would not be the project manager, would not be directly involved. If it really became an issue within the Town, he would consider resigning from the Board of Finance.

Commissioner Brisbois: Doesn't see a conflict with submitting the RFQ, the issue would arise down the road.

Commissioner Fappiano: Proper disclosure could help meet intent and he should try to avoid discussions (formal and informal) regarding this.

Commissioner Beatty: In similar situations in the past when there is not an immediate issue, the Board gave guidance and foresight into what to expect in the situation. He doesn't see a conflict in Mr. Ayles' firm submitting an RFQ but he should work under the assumption that his firm has won the bid and avoid discussions, etc.

Mr. Ayles: If his firm is not shortlisted, the issue will end. If they are shortlisted, he will write another letter to inform the Board. He will also discuss with the Board of Finance up front. He wants to keep this quiet but not secret.

Commissioner Fappiano: Disclosure is important, even at this stage.

Commissioner Benson recommends that Mr. Ayles speak with the Board of Finance ASAP.

Mr. Ayles has discussed this matter with the other principles of his firm.

Upon a motion by Commissioner Beatty, seconded by Commissioner Fappiano it is unanimously voted that there is no conflict with Antinozzi Associates submitting an RFQ to the High School Selection Committee. The Board also recommends that Mr. Ayles disclose to the Board of Finance that his firm his submitting an RFQ on this project and recuse himself from any Board of Finance discussions regarding the school project until the decision about the firm has been made. The Board also invites Mr. Ayles to keep communication with them during the process.

Commissioner Benson thinks it is important for Mr. Ayles to gain the support/approval of the Board of Finance for this.

January, 2010 - Minutes

Upon a motion by Commissioner Fappiano, seconded by Commissioner Arnold it was voted to approve the minutes.

Commissioner Brisbois recused himself from the vote as he was not at that meeting.

Potential revisions to existing code of ethics.

Commissioner Benson: Perhaps the commissioners should pick an area to focus on and discuss it at the next meeting.

Commissioner Brisbois suggests dividing it into pertinent sections.

Confidentiality and format is a good place to start.

Maybe the Board should establish a quarterly meeting to keep up with these revisions.

Commissioner Benson will be out of the country during April.

Next meeting will be May 27, 2010 at 5:00pm.

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

Respectfully submitted,

Sarah Judge - Recording Secretary