

DRAFT MINUTES

Board of Ethics

August 4, 2011

Members Present: Nancy Arnold, Anthony Fappiano, Ken Wilson and Arthur Benson
Members Absent: Deborah Daddio
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 4:03pm

Upon a motion by Commissioner Wilson, seconded by Commissioner Fappiano it is voted to amend the agenda to reflect #1 as Approval of June 30, 2011 minutes.

Upon a motion by Commissioner Wilson, seconded by Commissioner Fappiano it is voted to amend the agenda to move the item 'Consider Advisory Opinion Request' to the #2 position.

Approval of June 30, 2011 minutes:

Upon a motion by Commissioner Wilson, seconded by Commissioner Arnold it is voted to approve the June 30, 2011 minutes as amended.

Consider Advisory Opinion Request:

Commissioner Benson – I just want to remind the Commission that we are still operating under the current code and not the new/amended on and it is important to remember the distinctions. Also remember that we are discussing an advisory opinion today, not a complaint.

Discussion regarding the term 'office' as used in the Board of Finance section of the Town Charter.

-in house counsel has no record or history in its meaning in relation to the Town Charter.

-we need to ascertain whether this violates the terms of Board of Finance rules and/or the Town Charter.

Commissioner Benson – my understanding is that Mr. Ayles was a liaison from the Standing Building Committee and the Board of Education and was asked to be on the Options Committee and then was appointed as chair of that committee.

Commissioner Wilson – I believe he was more of a fact finder and presented options.

Commissioner Benson – if anything, it may only be a violation of the rules of his own board and not the Town Charter. Is this even a Code of Ethics violation?

Commissioner Arnold – I don't see anything in our current code that applies to this or shows a violation.

Commissioner Wilson – I cannot connect it with anything in our code. And I personally think that the Town Charter Section 6.1 (d) should be clarified.

Discussion regarding the terms office and official.

•does it apply to an ad hoc committee?

▪the Code of Ethics defines 'official' but the Town Charter does not.

Commissioner Benson – the worst case scenario is that 'if' he knew that this was wrong and still did it. Would that be a violation of the Code of Ethics, Town Charter and/or Board of Finance rules?

Commissioner Fappiano - I don't think this falls under the current Code of Ethics.

Commissioner Arnold – I don't see anything either. I would like to see clarifications on serving on more than one Board.

Commissioner Benson – it pretty much sets that out but this is unique to the Board of Finance.

Commissioner Wilson – I do not believe it is a violation of our Code as it stands today.

Upon a motion by Commissioner Wilson, Seconded by Commissioner Fappiano it is voted that a member of the Board of Ethics did not violate the existing Code of Ethics by accepting the appointment as Chairman of the High School Options Subcommittee.

▪Discussion

▪Review in relation to the Code of Ethics § 31-4. Prohibited acts; disclosure of interest. (A-G)

•Commissioner Fappiano – in my opinion none of these show a violation in this situation.

•Commissioner Wilson – I came to the same conclusion.

•Commissioner Benson – In relation to 31-4 (A), could it be interpreted that he engaged in activity in conflict with this as a ward of the Town's money?

•Commissioner Wilson – he is only one of the group, he isn't the sole decision maker. He is only one vote.

•Commissioner Benson – can anyone see any personal gain here?

•Commissioner Fappiano – I don't see that.

Upon a revote, it is unanimously voted to pass the above mentioned motion.

Commissioner Benson – I think we need to address the clarification of 6.1(d) of the Town Charter.

▪I will report this to the First Selectman.

▪we could recommend consulting with outside counsel on this.

▪it needs to be defined and clarified.

▪discussion regarding meaning of 'office.'

-elected, paid/unpaid, volunteer commission members, any 'office', etc.?

Upon a motion by Commissioner Wilson, seconded by Commissioner Arnold it is voted that the Board of Ethics recommend to the Office of the First Selectmen that the Guilford Town Charter, Chapter 6: Finance and Taxation, 6.1 – Board of Finance, (d.) be clarified and defined by Town Counsel, specifically as it relates to "other office" and the results be promulgated to the proper parties.

▪Further discussion regarding office/official.

Call to Questions – Upon a motion by Commissioner Wilson, seconded by Commissioner Fappiano it is unanimously voted to pass the above mentioned motion.

Commissioner Benson – We will advise Mr. Dailey of the outcome of the advisory opinion request and form a letter to the First Selectmen.

Commissioner Arnold – do you think we should notify the Chairman of the Board of Finance and Mr. Ayles?

Commissioner Benson - I will do that concurrently with the other notifications.

The next meeting will be September 15, 2011 at 4:30pm.

Upon a motion by Commissioner Arnold, seconded by Commissioner Wilson it is voted to add 'Discussion regarding Revisions to the Code of Ethics' to the agenda.

Commissioner Benson – everyone has updated drafts of the Code of Ethics. Do I have your approval to proceed

or do we need further discussion?

Commissioner Fappiano – I think this situation brings up something we should consider. Should we address a

violation of the Town Charter as a violation of the Code of Ethics?

Commissioner Arnold- I do not think so.

Commissioner Wilson – doesn't the Town Charter supersede the Code of Ethics?

Commissioner Benson – I think if we had clarification on the term 'office' it may impact our discussion.

Commissioner Fappiano – I think we should think about this.

Discussion.

▪discussion regarding liaisons vs. public observers

Commissioner Wilson - maybe we should suggest that the Code of Ethics § 31-2 be adopted or included in the

Town Charter?

*Add this to the September agenda for discussion.

Commissioner Benson –where do we stand on the revisions of the Code of Ethics?

Commissioner Arnold – I think we need to move forward and send it to the Board of Selectmen for review.

Commissioner Wilson – I agree.

Commissioner Fappiano – I am in favor of moving forward.

Then with no further business before it, upon a motion by Commissioner Wilson, seconded by Commissioner Fappiano it was unanimously voted to adjourn the meeting of the Board of Ethics at 5:20pm.

Respectfully submitted,
Sarah Judge - Recording Secretary