

**DRAFT MINUTES**  
Board of Ethics  
**September 16, 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 4:35pm

**Approval of February 25, 2010 & March 4, 2010 minutes:**

*Upon a motion by Commissioner Benson, seconded by Commissioner Beatty it is voted to approve the February 25, 2010 and March 4, 2010 minutes. Commissioner Brisbois abstained from the vote regarding the February 4<sup>th</sup> minutes as he was not at that meeting.*

**Public Forum:**

n/a

**Ken Wilson Inquiry:**

Mr. Wilson has been appointed to replace Jeff Beatty on the Board of Ethics. He is inquiring whether there would be any conflict with his role on the Board. He is an as-needed substitute teacher in the Guilford school system; he is not a union member. He also works about ten weeks a year as a coach for girls' softball at the Guilford High School. If a matter came before the Board regarding substitute teaching or coaching, he would recuse himself.

Commissioner Arnold – I do not concerns about conflicts with coaching. How many days, approximately or

on average do you substitute teach?

K. Wilson – 5 days last year. I do not do or accept long term substitute teaching assignments.

Commissioner Benson – do you see yourself recusing yourself for any education matters or just coaching?

K. Wilson – mostly coaching or substitute teaching.

Commissioner Benson – what about administration issues?

K. Wilson – not an issue.

Commissioner Fappiano – knowing someone is not always grounds alone for recusal.

K. Wilson – I am confident I can be objective.

Commissioner Fappiano – we are in the beginning stages of looking into expanding our jurisdiction. There

may be a broader scope down the road.

Has the Board of Selectman approved this?

K. Wilson – the Candidate Recruitment/Selection Committee raised this issue and asked for it to be tabled

until I met with the Board of Ethics.

N. Arnold – the website info regarding the Board suggests that there be a member with legal experience. Do

you have any legal experience?

K. Wilson – I am not an attorney. I worked for AT&T for 26 years and I did have dealings with attorneys and legal matters in the course of my employment.

Commissioner Fappiano – being an attorney is not a prerequisite for being a commissioner.

Commissioner Arnold – Jeff has always been very helpful with language, etc. since he is an attorney.

Commissioner Beatty – this ultimately is not our decision.

Commissioner Benson – I do not see it as a problem, I think Mr. Wilson will be a good addition.

Commissioner Brisbois – I do not see a conflict, these things will happen when people are involved within the town, etc.

Commissioner Arnold – I do not see an issue.

Commissioner Beatty – the only area of potential conflict would be a matter of financial benefit. For instance,

if a matter were to come before the Board regarding wage or stipend for coaching or substitute teaching.

Mr. Wilson – I am confident that the Board would also raise the issue of any potential conflicts.

Upon a motion by Commissioner Fappiano, seconded by Commissioner Benson it is voted to accept Ken Wilson as a Board member in conjunction with the regular process of approval and his involvement as a coach and substitute teacher is not found to be a conflict for the Board of Ethics.

*Upon a motion by Commissioner Beatty, seconded by Commissioner Arnold it is voted to amend the above motion as follows: The Board of ethics finds that there is no conflict with Ken Wilson being a member of the Board of Ethics and his involvement as a substitute teacher in the Guilford school system and a girls softball coach at Guilford High School.*

Commissioner Fappiano – our discussion regarding the Code of Ethics changes may depend on Mr. Wilson's appointment time frame.

Mr. Wilson – it should go into effect around the end of October.

Mr. Wilson left the meeting.

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

-Specific items to be discussed are Confidentiality and Structure (how many items to include-Headers).

Commissioner Benson – should we wait for the new member to discuss revision?

Commissioner Fappiano – Jeff, would you be willing to stay on for a few meetings for this?

Commissioner Beatty – yes.

Commissioner Arnold – Jeff, how do you feel about confidentiality in regards to the Board of Ethics? We

post minutes and agendas and our meetings are open to the public?

Commissioner Beatty – 31.5 d: we can meet to discuss if a hearing is needed on a sensitive matter. There has

only been one matter involving two opposing individuals since I have been involved with this Board.

Commissioner Arnold – we are very transparent, we include names on agendas.

Commissioner Benson – we could always enter into an executive session if needed.

Commissioner Arnold – what if the person that made the complaint has left or stays?

Commissioner Benson - we can use executive session if we do not want to speak in front of parties.

Commissioner Brisbois – do we have a defining document?

Commissioner Arnold – the Code of Ethics is on the website.

Commissioner Benson – I gather that you, Jeff, would prefer minimal changes?

Commissioner Beatty – the current Code is narrowly defined with a limited scope of mostly family or financial issues. There have been a few questions regarding ethical matters. I am hesitant to move

beyond that scope, where do you draw the line? It would become difficult to determine what is ethical or not.

Commissioner Arnold – in the past if an issue was not under our jurisdiction we directed them to the proper

venue.

Commissioner Fappiano – it is easier to determine if something is immoral or illegal, but ethics is different.

Commissioner Benson – we are just giving an opinion or recommendation, not enforcement.

Commissioner Fappiano – if we found something to be improper or unethical we could send it on to the Board

of Selectman to act on.

Commissioner Benson – maybe we should not start from scratch on the Code but revise and expand on

important issues, i.e. conflict of interest.

Commissioner Arnold – I am concerned with too much expansion.

There is so little in the Code, we keep coming back to the same paragraph.

Commissioner Benson – maybe we should review it individually and then bring in suggestions.

Commissioner Arnold – should we include friends?

Commissioner Fappiano – I suggest we set a meeting and invite Ken Wilson to join and Jeff Beatty to stay on.

Commissioner Beatty – I think you should make Ken Wilson a Board member and me a member of the public.

Commissioner Benson – I feel strongly that we should have regular meetings.

Commissioner Brisbois – even quarterly meetings would be good.

Commissioner Arnold - I would like to make a motion to thank Jeff Beatty for his years of service to this

Board.

I like the idea of an executive session; do we have the right to do that?

Commissioner Benson – most Boards and commissions do this.

Commissioner Beatty – I do not see a problem with it.

Commissioner Arnold – in the past it was brought up whether a person could serve on two commissions, I was

told this was an issue.

Commissioner Beatty – I believe that applies to certain Boards/Commissions such as Board of Finance or

Selectmen.

The next meeting will be held on Tuesday, November 2, 2010 at 4:30pm.

Then with no further business before it, upon a motion by Commissioner Brisbois, seconded by Commissioner Fappiano it was unanimously voted to adjourn the meeting of the Board of Ethics at 5:31pm.

Respectfully submitted,

Sarah Judge - Recording Secretary