Call To Order/Pledge of Allegiance

Chairman Maria Davis called the meeting of the Board of Ethics to order at 7:04 p.m. in Room 104 at Shelton City Hall. The Pledge of Allegiance was recited.

Roll Call
Maria Davis, Chairman
Byron Peterson
Christine Robinson

Also Attending:
Loren Casertano
Kim-Marie Casertano
Richard Widomski
Cyndee Burke, Clerk
The Press (2 people)

Public Portion

Richard Widomski, 49 Christine Drive, Shelton
Mr. Widomski read from a prepared statement:

If someone is contemplating filing a complaint in regard to the Shelton Economic Development Corporation (SEDC) one may have difficulty trying to determine where a complaint could be properly filed. The President of the corporation describes the SEDC as the City of Shelton “development corporation” which in 1983 was approved by a Board of Aldermen resolution. It is also mentioned that
the designation of “development corporation” is interchangeable with a similar designation which the city has also approved entitled “implementation agency”.

The Chairman of the SEDC describes the Shelton Economic Development Corporation as a private not-for-profit corporation comprised of many volunteers from the business sector, many of which are residents. It appears that the point that is being made is that the corporation is independent from the city. It also brings to light the existence of non-resident board members.

The President of the Shelton Board of Aldermen agrees that the Shelton Economic Development Corporation is independent from the city and that the corporation is performing a function similar to a company that is contracted to perform a service for the city.

I have been informed by the City of Shelton Purchasing Agent that the Shelton Economic Development Corporation is an arm of the city. Any question concerning the contract agreement between the city and the SEDC should be directed to the SEDC President. The SEDC President is the person responsible for the contract agreement between the city and the corporation.

Before taking the step of filing a complaint one needs to know the status of the SEDC. Does one file a complaint against the SEDC with the Shelton Board of Ethics, Shelton Board of Aldermen, the office of the Connecticut Attorney General, the federal jurisdiction responsible for federal funding or perhaps with all? Does the possibility exist that each mentioned jurisdiction is responsible for ethics and conflict of interest matters dependent on which funding is being used in the implementation of the SEDC duties and responsibilities at the time of a possible complaint? Who is named in the complaint? Is it the SEDC president, its officers, the executive board, an individual, or the entire board of directors? These questions I believe are difficult to answer until the status of the corporation within the City, State, and Federal governments is determined and fully explained.

The Shelton Economic Development Corporation is responsible for millions of Shelton resident dollars as well as state and federal dollars. It appears that there is no clear definition as to where the corporation fits into the system. In fact it is a difficult task to determine where a complaint might be reasonably filed.

I am asking where it is proper and legal to file a complaint against those in the SEDC that one may feel is possibly violating conflict of interest, ethical or procedural standards. Is it with the Board of Ethics, the Board of Aldermen or
other city, state or federal boards or commissions? (End of prepared statement.)

Mr. Widomski said I have a little background information. They fall under FOI regulations and have to follow rules of the meetings, transparency, the whole smear. The other question is because they are spending taxpayer’s dollars - not only city but federal and state - are they public officials? Are they public servants? Are they really private, non-profit? They are private, non-profit, however most of their funds are public or they receive some donations. I don't understand the whole tax structure, but it appears they fall under the tax structure where if you give them money they write it off, That is my understanding at this time. So they are really funded by us, the public. It also appears that they are ... you know the quasi-state organizations are - I think there are 7 of them. They fall under the State Board of Ethics. I see this organization as you might call a quasi-city organization. Do they fall under you? Does it depend on what funds they are spending at that particular time? Is there a possibility that there is a conflict of interest? It is dependent on what you or someone else comes up with. As I said, they are public funded.

Mr. Widomski continued, John Anglace has information in regards to the organization of the SEDC and how they are filed corporately. It goes back to 1983. They are a creature of the state. The state says I give you an economic development corporation or an institution we are going to create this so we can bring business of economic development into the city, but the Board of Aldermen then creates the Board within the city with the ok from the state. I don't believe they can do it on their own. So it is very difficult to follow. You look at the organization and say if there is a conflict of interest or you think somebody is too close to what is going on, where do you go? You can see there are two different outlooks, one says they are an arm of the city. The other one says we are a private, non-profit, which is true, and another one says they are treated like an outside consultant. They don't have any ethics policy and spending city, state and federal money. There is no complaint filed. However, in the event there is one, does it file to you and you sit around for 6 months, and I can understand this thing is not that easy and then come up with you are in the wrong place. That shouldn't be. If somebody wants to say something or come to an ethics board, they need to know where to go so you don't waste anyone's time. That is all.

Loren Casertano, 9 Shelter Rock Drive, Shelton
Mr. Casertano attempted to speak about the current Ethics Complaints and Chairman Davis stopped him to say we do not address Ethics Complaints in the public portion. You can ask a general question. We are not required to answer it.
This is a public portion and you can speak. We will not listen to anything about any ethics complaints that may or may not be out there that anyone has given us. Mr. Casertano said when you met for 90 minutes last week, you had an officer of the court here. Chairman Davis stated you can ask a general question, and we are not required to answer it if we don't feel comfortable answering it. Mr. Casertano asked is there a limit to when you guys will let me know what is going on with the complaints I filed? How long will it take? Chairman Davis stated any ethics complaints that are filed with the City of Shelton are confidential. The terms are they are to stay confidential until the complainant wants it to be made public. Until then, we will not address anything. If you want to talk about any complaint, we can't discuss anything.

Mr. Casertano said Mr. Welch was here as an attorney is he obligated to hold his oath as an officer of the court or is he just here to supervise? Mrs. Robinson replied he gives us guidance. That is his role. If we don't understand something, then we ask him. Mr. Casertano said then he is aware of laws that are broken it is his obligation to act on them. Chairman Davis said he is here to advise us if we have any questions about any legal terms. Mr. Casertano said basically my complaints can sit forever until you guys decide to do something.

Mrs. Robinson asked are you inquiring how do you know if this is being acted upon? Mrs. Robinson said when we go into Closed Session. So, therefore, it is being acted upon. Mr. Casertano said so if he is aware of laws that are broken it is his obligation to act on that. Chairman Davis said if you read the agenda it says tonight we are acting on 3 items in closed session. What we are talking about, who we are talking about, is confidential. Mr. Casertano thanked the Board.

No one else from the public addressed the Board. Chairman Davis closed the Public Portion at 7:18 p.m.

**Agenda Items**

1. **Minutes of Regular Meeting of January 6, 2011 - Accepted**
   Christine Robinson moved to accept minutes of the Regular Meeting of the Board of Ethics of January 6, 2011, Byron Peterson seconded. Passed unanimously 3-0.

2. **Motion to go into Closed Session**
   Christine Robinson moved to go into Closed Session to discuss Ethics Complaints #2010-01; 2011-01; 2011-02; and 2011-03. Byron Peterson seconded. Passed unanimously 3-0.
Open Session ended and Closed Session began at 7:20 p.m.

**Attending:**
Maria Davis, Chairman
Byron Peterson
Christine Robinson
Cyndee Burke, Clerk

2. **Continued Consideration of Ethics Complaints 2010-01; 2011-01; & 2011-02** – There was discussion. No action taken.

3. **Consideration of Ethics Complaint 2011-03** - There was discussion. No action taken.

**Motion to come out of Closed Session:**
Christine Robinson moved to come out of Closed Session and into Open Session. Byron Peterson seconded. Passed unanimously 3-0.

Closed Session ended and Open Session began at 8:05 p.m.

**Attending:**
Maria Davis, Chairman
Byron Peterson
Christine Robinson
Cyndee Burke, Clerk
Kim Marie Casertano
Loren Casertano
The Press

**Adjournment:**
Christine Robinson moved to adjourn the meeting. Byron Peterson seconded. Passed unanimously 3-0.

The Regular Meeting of the Board of Ethics adjourned at 8:05 p.m.

Respectfully submitted,

Cyndee Burke, Clerk