Call To Order/Pledge of Allegiance

Chairman Maria Davis called the meeting of the Board of Ethics to order at 7:07 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 Fred Musante, Huntington Herald

Public Portion

No one from the public spoke.

Agenda Items

1. Christine Robinson moved to accept the minutes of the Regular Meeting of March 5, 2009. Byron Peterson seconded. Passed 3-0.

2. Christine Robinson moved to formally accept the following correspondence from John "Jack" Finn. Byron Peterson seconded. Passed 3-0.
b. John "Jack" Finn, Democratic Registrar of Voters dated September 11, 2009  
c. John "Jack" Finn, Democratic Registrar of Voters dated October 16, 2009  
d. John "Jack" Finn, Democratic Registrar of Voters dated October 27, 2009  
e. John "Jack" Finn, Alderman, D-1 dated July 1, 2010.

All of these letters were mailed to the members of the Board at the time they were received and they are attached to these minutes for reference.

3. Discussion of Proposed Ethics Ordinance.

The Board of Ethics was presented this evening with the minutes of the joint meeting of the Board of Aldermen and the Board of Ethics that was held on July 27, 2010.

Mr. Peterson questioned the last sentence of the Declaration of Policy. There was concern at that meeting that this gets passed back to the Board of Aldermen and it gets to be political. Mr. Peterson said I don't care if you are a Republican, Democrat or Independent, you are elected to represent the citizens of this city. You have a responsibility to make a decision as the Board of Aldermen. If we recommend suspension, they make a decision as to whether to suspend them for a day or a year or not at all. In the current ordinance it says that the Board of Ethics refers their findings and recommendation to the Board of Aldermen. I don't care what your party affiliation is. If you don't have the courage to take on the legitimate ethical responsibility, then you don't deserve to be an alderman. Mr. Peterson said every one on the Board of Ethics, including the State of CT Ethics Board, makes a recommendation and who does it go to? It goes to either the Executive or Council or it goes back to the Board who is given the authority.

Mrs. Robinson said it makes sense because they are the executive branch and they are elected and it is their responsibility.

Mr. Peterson continued, I concur with the gentleman who claimed it is political, but that is the responsibility of an elected official. You took on the role to say you would represent your city.

Mr. Peterson said the question I raised is we are beholdng to who? We are beholdng to the Board of Aldermen. We make our recommendation. The
Board of Aldermen can in turn delegate it to the proper branch or department for discipline - if it's union, employee, appointed, elected, etc. We can use the City's attorney to assist us if we need to refer, because a union employee has to go through the appropriate union organization. The Board of Ethics can't enforce it.

Mr. Peterson said he was looking at the Council of Common Cause dated 2004 and it basically said the Boards of Ethics make recommendations. Mrs. Robinson agreed nowhere in our research did it discuss or give us guidance on how this is being enforced. Chairman Davis noted we sit and hear complaints and make a determination if this is an ethical violation.

Mrs. Robinson refers to the joint meeting minutes and comments how the Board of Aldermen has no guidelines to enforce action. She can't believe that there are no guidelines. Mr. Peterson said I referred to the charter and basically it said that each Board shall set up its own guidelines. Mrs. Robinson asked when the Aldermen are sworn in what happens? They need to know what their expectations are. It's like a job description, for lack of a better word. The clerk mentioned that I think Attorney Welch brought this matter up awhile ago. These people are elected and begin serving, but there should be some meeting(s) to review and prepare the aldermen for what might come before the Board and ways to handle matters, but there is not. There is only the Charter.

Mr. Peterson said when we were done, we wanted to have the Code printed so that anybody who is elected would get a copy of the book explaining their responsibility.

Chairman Davis read in the current ordinance (#304 as amended by #781) under Section 1-6f, "The Board of Aldermen shall thereupon take such action as it deems appropriate or take action in accordance with the provisions of the City Charter." We left that terminology in there because we thought it was appropriate. Chairman Davis would like the clerk to ask Attorney Welch where does that apply? It had to be put there for a reason. Does he remember the reason why? Mr. Peterson said it is in the proposed ordinance in Section 5(b) the last two sentences of the paragraph. Chairman Davis said we need to check with Attorney Welch and ask him that question because we based our information on the previous one. Maybe there is something there and everyone is missing it? I am not familiar enough with the charter. Is there something in the charter that gives the aldermen the right to reprimand someone for whatever reason? It might not be something that comes before the Ethics Board, it could
be something like a poor job performance. Does that somehow fall under the charter? I'm not sure. Maybe there is something there that we don't know. We need to ask Attorney Welch or we will be spinning our wheels.

Mrs. Robinson said that the Board of Aldermen did not like the "set forth" in this ordinance. She is suggesting that under 1. Declaration of Policy that it reference Section 5. Procedures, Subsection (b) and (c).

Mrs. Robinson reads from the joint meeting minutes where Mr. Nappi questioned where is the power for the Board of Aldermen to take disciplinary action. More discussion takes place where the Board of Ethics makes the recommendation to the Board of Aldermen and that ends their task. A policy is there to educate the employees and the public to know what is and is not acceptable.

Discussion takes place on the need for enforcement. How is it handled in corporate? If someone violates a rule or regulation and it continues, it starts with coaching, verbal warnings, disciplinary performance improvement plan, written warning, etc. It is clearly defined in your employee relations policy. The aldermen are the ones that have to make a decision on discipline. Disciplinary procedure for employee, union employees, volunteers, elected officials.

(6) Gift - Mrs. Robinson noted in the proposed ordinance under 2. Definitions, Sub section (6) (A) it references Statutes. Mr. Peterson said when I was going through the minutes we removed the reference to the statutes. We stopped at one time and said we don't need to refer to the statutes and took it out. I was concerned that the statutes could be changed when the State was reviewing all of this. Mrs. Robinson suggested just stating Connecticut General Statute. The Board would like Attorney Welch to comment on these statutes and if they are the correct ones and can we just state "Connecticut General Statutes" and not use the section numbers.

(6)(C) - Loans by commercial banking institutions. There was discussion about financial institution or an individual giving a loan where you don't have a basis. Financial will give you a basis. The Board agreed to delete the words "commercial" and "banking." It will now read, "A reasonable loan made on terms not more favorable than loans made in the ordinary course of business provided that said loan would be granted by a financial institution."
Mrs. Robinson said the bottom line is you are not supposed to get a better rate than anybody else just because you have some power. Mr. Peterson said you are trying to avoid it being a "gift" which raises eyebrows and causes suspicion. Our intent is that we don't want it to be that unsavory side of business. Chairman Davis suggested we ask Attorney Welch if this is changed, what does it mean?

(6)(D) - Mr. Peterson said I remember discussion of this section and it was suggested that we just stop at the word "child." Chairman Davis added, I specifically remember this discussion here where they used as an example, an individual's friend, which has a history of gift giving to the individual, prior to the individual assuming public office. There was continued discussion. Mrs. Robinson suggested removing (i), (ii), & (iii) and saying, "a gift received from an immediate family or an individual's friend which friend has a history of gift giving to the individual prior to the individual's assuming public office."

Mr. Musante suggested, why don't you say they have to pay for their own ticket. If he wants to be a public official he has to meet certain rules and expectations and one of these is you don't want to have the appearance of a conflict of interest. If every year somebody bought him a ticket to a baseball game and now one of them gets elected a public official and the other guy is a banker doing business with the city, buy your own tickets.

Chairman Davis said I am fine with it in there as along as it is done in the spirit that our intention is not a gift. Mrs. Robinson said that is talked about later on under Conflict of Interest. In this context right now we are saying what a gift does not include.

(F) - Chairman Davis said Mr. Nappi is stating that a ceremonial award is clearly not a gift. Mr. Musante commented that a plaque has no monetary value. Mrs. Robinson said if that little kid grows up to be a major league baseball player and this alderman has this baseball from him... Mr. Musante said it had no value and you are speculating that it might have some great value in the future, but it had no value when it happened. The Board decided to insert word "memorabilia" to the section ... "a certificate, plaque, memorabilia or other ceremonial award with no resale value and similar to prior awards given to former recipients;"

(J) - There was discussion about this section. Mr. Peterson said golf clubs are not a non-profit. Mr. Peterson said I can tell you that when the Mayor is invited
to a golf tournament, he pays. When we invited him to the St. Paul's Golf Classic, he said I am paying and he paid. Chairman Davis said we are just trying to say what is not a gifted thing. Mr. Peterson said a non-profit is already defined and we don't need to define it in the ordinance.

**Subsection (K)(L) & (M)** - The board briefly discussed and agreed these three items are not considered a gift. They are getting nothing out of it. Mr. Peterson said I know the Mayor is invited to the United Way Dinners and invited to all the non-profits as the Mayor, and he usually comes in after the cocktail hour and sits down. They invite him to dinner and sometimes he just comes in after dinner and has coffee. I asked him about that one time and he said I don't want to give the impression that I am here for a free meal, but he is the Mayor. When he is not there, they invite the deputy.

Mrs. Robinson said we've addressed what the group was concerned about at the July 27th meeting. Personally I wish they had looked at the ordinance and made the questions and then come back to us with the questions. Chairman Davis said I thought the aldermen were going to look at the proposed ordinance, send it out to the Board heads and have them give feedback in. Mr. Peterson said our impression is that they have this proposal and were going to review it among themselves and come back with their questions.

The Board of Ethics has already presented to them our recommendations. President Anglace charged us with something and we did lots of research and work to present this proposed ordinance. We just wanted them to please review and come back with specific questions. We will be glad to answer the questions and explain our thoughts. The Board of Ethics agreed the format of the joint meeting is going to take a very long time. Let them have their own individual discussions.

Mr. Peterson said we worked on this for two years and presented it to the Board of Aldermen in 2008 and we know they were waiting for the State to come down with something, but nothing happened. The clerk noted that she sent a copy of the minutes from each Ethics Meeting to both Aldermen Anglace and Finn.

Mr. Peterson said that the aldermen can go back online and all the minutes are available there for them to read. It's all in there section by section.

Mr. Peterson said that the Board of Aldermen would like us to meet with them on August 24th. Chairman Davis noted that they would like to meet every two
weeks. Mr. Peterson said we need to tell them that we prepared the ordinance and it would be best that they sit down and discuss it and then come back to us with questions. The other inputs from the non-board members may add more questions as well. Chairman Davis agreed and said if they don't understand something in the proposed ordinance, then they can send us the question or they can get their questions together and then we can address them. Attorney Welch attends the meeting so maybe he can help them, too.

The Board of Ethics agreed to send a letter to President Anglace stating that the Board of Ethics would be happy to meet with the Board of Aldermen and invitees after they have fully read, reviewed, and discussed the whole document. It would be appreciated if they could prepare a list of questions by the section number in the proposed ordinance.

When we get that information, we can meet on our own and address it or we can go to a meeting as well. Chairman Davis stated it is their right to change something. This will also give us an opportunity to go back and research their questions to be better prepared. Mrs. Robinson commented that we were not prepared at all for this joint meeting. Chairman Davis noted we did not know what the format was going to be with the joint meeting. Mrs. Robinson commented the meeting did not get started until very late (at 8:30 pm) and everyone is not at their peak. After all, everybody pretty much worked a full day, plus one alderman had to leave and two other aldermen were not there.

**ADJOURNMENT**

Mrs. Robinson moved to adjourn the meeting. Mr. Peterson seconded. Passed unanimously 3-0.

The Regular Meeting of the Board of Ethics adjourned at 8:35 p.m.

Respectfully submitted,

Cyndee Burke, Clerk
One tape on file in the City Town Clerk’s Office
March 7, 2009

John J. Finn
17 Princess Wrennah Drive
Shelton, CT 06484

Mrs. Maria Davis
Shelton Board of Ethics
54 Hill Street
Shelton, CT 06484

Dear Mrs. Davis,

The Board of Aldermen is required to set Merit System Employee Salary Increases during the Budget process to be effective each new budget.

My daughter, Colleen M. Finn, is a Merit System Employee of the City of Shelton. There will be a financial gain for her, arising from blood relationship. When this matter comes before the Board of Aldermen, I will recuse myself from discussion and voting.

In addition, and future reference, my wife is employed by the Shelton Board of Education. For public record, I will recuse myself from discussions and voting on any Merit System matters or teacher contracts that come before the Board of Aldermen.

If you should have any questions, please feel free to contact me at 929-0786.

Sincerely,

John "Jack" Finn
Alderman, First Ward

CC: City Clerk
    Board of Aldermen
Mrs. Davis, Chairwomen
Shelton Board of Ethics
54 Hill Street
Shelton, CT. 06484

September 11, 2009

Mrs. Davis,

The Registrar of Voters office on September 14, 2009 will conduct a Lottery to determine the order on the election ballot of names of candidates for Multiple-openings office as per Sec.9-253 and 9-453r. This is for the November 3, 2009 Municipal Election.

My name will be submitted to the lottery as a candidate for Aldermen in the First Ward. I will step aside and not par-take in the lottery for the order on the election ballot for names of candidates for Aldermen in the First Ward.

Sincerely,

John "Jack" Finn
Democratic Registrar of Voters
Mrs. Davis, Chairwomen
Shelton Board of Ethics
54 Hill Street
Shelton, CT. 06484

October 16, 2009

Mrs. Davis,

The Registrar of Voters office on October 21, 2009 will conduct a Equipment test for the tabulator for the November 3, 2009 municipal election at Shelton City Hall.

I will step aside and not par-take in the testing of the tabulator for the First Ward as I am a candidate for Aldermen in the First Ward.

Sincerely,

John "Jack" Finn
Democratic Registrar of Voters
Mrs. Davis, Chairwomen
Shelton Board of Ethics
54 Hill Street
Shelton, CT. 06484

October 27, 2009

Mrs. Davis,

The Registrar of Voters office on November 3, 2009 will be conducting a
election for the municipal election. at Elizabeth Shelton School, Sunnyside School, Long
hill School and Mohegan School as polling locations in Shelton. I will step aside and not par-take in overseeing Elizabeth Shelton School in the
First Ward as I am a candidate for Aldermen in the First Ward.

Sincerely,

[Signature]
John "Jack" Finn
Democratic Registrar of Voters
July 1, 2010

John “Jack” Finn
17 Princess Wenonah Drive
Shelton, CT 06484

Mrs. Maria Davis
Shelton Board of Ethics
54 Hill Street
Shelton, CT 06484

Dear Mrs. Davis,

The Board of Alderman at their July 8, 2010 full board meeting will be addressing MERIT SYSTEM EMPLOYEE INCREASES 2010-2011s.

My daughter, Colleen M. Finn is a Merit System Employee of the City of Shelton. There will be a financial gain for her, arising from blood relationship. When this matter comes before the Board of Alderman, I will recuse myself from discussion and voting.

If you should have any question, please fell free to contact me at 203-650-7297.

Sincerely,

[Signature]
John “Jack” Finn
Alderman D-1

CC: City Clerk
    Board of Alderman Clerk