Call To Order/Pledge of Allegiance

Chairman Maria Davis called the meeting of the Board of Ethics to order at 7:02 p.m. in Room 104 at Shelton City Hall. The Pledge of Allegiance was recited.

Roll Call
Maria Davis, Chairman
Byron Peterson
Ben Winnick

Also Attending:
A student from Southern CT State University observing a municipal meeting.

Public Portion
No one from the public spoke.

Amend The Agenda
Mr. Peterson moved to amend the agenda by adding Correspondence from Ben McGorty dated October 4, 2011 to the agenda as Item #5 and to move Item #4 Continued Consideration of Ethics Complaints to the end of the agenda. Mr. Winnick seconded. Passed unanimously 3-0.

Agenda Items
1. Minutes of Special Meeting of August 31, 2011 - Accepted
Mr. Winnick moved to approve the minutes of the Special Meeting of August 31, 2011. Mr. Peterson seconded. Passed unanimously 3-0.
2. **Correspondence from Registrar of Voters John “Jack” Finn dated October 13, 2009 (received by the Clerk on Sept. 16, 2011) - Accepted**

Mr. Winnick moved to formally accept the Correspondence of Registrar John "Jack" Finn of October 13, 2009 (received by the Clerk on September 16, 2011). Mr. Peterson seconded. **Passed unanimously 3-0.** Letter is attached to the minutes.

3. **Proposed Ethics Ordinance**

Mr. Winnick said at the last meeting, which was the first meeting I attended, Alderman Anglace was here and he spent a considerable amount of time giving us the history of the Ethics Ordinance as it developed over the years and its present status and his desire to have it amended. It is my understanding that the Board of Ethics did meet with the Board of Aldermen at one time. It did prove to be fruitful, however, Alderman Anglace suggested that we meet with the Board of Aldermen and the two outside people that he appointed to also participate. Chairman Davis inserted the names Marty Coughlin and Ken Nappi. Mr. Winnick continued, so you would have the full Board of Aldermen, the two appointees, and the three members of the Board of Ethics. I asked him whether or not the Board of Aldermen would have a committee meet instead of the full Board of Aldermen, but he said it would be the full board. Mr. Winnick said I personally believe that is too cumbersome. You have too many people. That is my own personal belief. I don't think we need the two appointees. They are not experts in the field. I don't think we need the full Board of Aldermen. I do think we need a committee of the Board of Aldermen to sit down with the three of us. I think we will be more productive that way.

Chairman Davis said I agree with you. I am a little upset that one of the appointees sent a response in and the other one has not sent a response in because he's too busy. They met in August of last year. I felt that Alderman Anglace made a misstatement in the fact saying that we just decided to back out of it. I don't believe that's what happened. That may be what he believes happened. I agree they do not need that many people. I think our hands are tied because that is what they are dictating to us. Mr. Winnick said we can tell them what our feelings are, if that is the consensus of this board. Mr. Peterson said I agree with both of you.

Mr. Winnick explained, over the years I have been involved in writing regulation type of text so I am somewhat familiar with it. Many years ago I served in Shelton on the Charter Revision Commission. We spent a
considerable amount of time working on that and it was only three of us on
that and it worked very nicely.

Mr. Winnick said you have 8 aldermen, 3 ethics, plus 2 appointees. That's too
many. Mr. Peterson said I kind of feel the same way; that we are being
dictated against, but I prefer to deal with the Aldermen because both
consultants haven't showed me any interest other than one making a comment
that we should junk it all. For the other one to say I haven't got time he's
already told me he has expressed no interest in this process. Mr. Winnick
said the one that did participate wants to trash the entire ordinance which
doesn't make sense to me either. All we need is tweaking of what we have
already.

Mr. Peterson said the approach that we had wanted them to take was to go
through it and then come back to us and indicate to us the areas you wanted to
revise per their comments and that is what he just did. That was his first
attempt to try to address our concerns. Mr. Winnick said from what I can see
there are only a few areas that are subject to legitimate analysis. By and large
a lot of it is boiler plate. This is a type of regulation that you typically find
with an organization like this.

Mr. Winnick replied that I think the only people involved should be the three
of us together with a committee of the Board of Aldermen. I think the Board
of Aldermen should be notified to that effect. Chairman Davis asked do you
know what constitutes a committee for the aldermen? Mr. Winnick said
whatever is the appropriate committee. They have an ordinance committee
and can use that committee. This is essentially what they are going to be
dealing with. Mr. Peterson said we need a working session and a full board
would be too many. Chairman Davis stated they would do as we did it, only
focus on a small bit at a time. Mr. Winnick said I would suggest that at any
meeting that we have, since it involves Board of Ethics protocol, I would have
the Chairman of the Board of Ethics chair the proceedings. Chairman Davis
noted that is a good idea.

Chairman Davis stated I read through the minutes and some of Aldermen
Anglace's comments and I was surprised at a few of them. There were some
things I definitely did not agree with, but I think he said it was his opinion.
Mr. Peterson stated that he recently spoke at length with Alderman Anglace
about this. He had good intentions. Mr. Winnick stated that he is a well-
intentioned person. Chairman Davis agreed that he is very well intentioned.
Mr. Winnick continued that he is a hard worker for the City and has been for a number of years.

Chairman Davis asked if they made any proposal about when he wanted this to happen? Mr. Winnick said as soon as reasonably practicable. Everybody has been sitting on this too long. Let's get it done. Procrastination will get us nowhere. Chairman Davis said it's probably better to have a smaller number of people with the stuff that is in here, you need to keep coming to the meetings. If you miss meetings it's difficult. You can read the minutes, but it's a lot different when you are there.

Mr. Peterson said Alderman Anglace made a good point that you want to have the meetings at a certain time of the day which kind of forces everybody to focus and then get out rather than drag on. He would like to have it just before dinner time say from 5:30 until 7:00 p.m. He really wants to work on this. Chairman Davis said we are very happy to work on it and believe that it should be a committee of smaller number of people. Do we have a suggestion when we want to start and a day that is better than other days for us? The clerk noted that come January starts another budget season and the holidays are approaching. Chairman Davis said to ask Alderman Anglace what he has for suggestions from his schedule.

Mr. Peterson said once we get a date, then we can decide what our action might be. Let's just read what Alderman Anglace gave us. Chairman Davis said that was one of the things when they called us to their meeting it was already well over a year since they had our proposal. It really was not fair to us to be sitting there and asking us these very specific questions and expecting that we can answer off the top of our head like what were you thinking. Mr. Winnick said you can't do that. The worse thing in the world you can do is work on something and to implement it you should follow up as soon as possible while you have all of your thoughts with you. Chairman Davis said it made it difficult for us. I have to reread everything to refresh my memory as to exactly why we made those decisions. They were based on certain reasons why. Mr. Peterson said we went through a lot of ordinances plus the Study in CT - the good and bad. It took us two years. Chairman Davis noted that Mr. Coughlin mentioned the City of Waterbury Ordinance and we had that and went through that.

Mr. Winnick said we can get over involved in something like this. Stop and think. What is the exposure here? How often do you get legitimate ethical
complaints? You don't get them that often. Are you trying to kill an ant with a sledge hammer? Also there is no such thing as a perfect document. You do the best with what you have, you get a consensus, and you live with it. Those are the two basic things that this board has to contend.

5. **Correspondence from Ben McGorty, Fire Commissioner from Company No. 3 dated October 4, 2011 – Accepted**

Mr. Peterson moved to accept the Fire Commissioner's letter not taking part in the selection process. Mr. Winnick seconded. **Passed unanimously 3-0.** Letter is attached to the minutes.

Mr. Winnick commented, as I mentioned at the last meeting, all this correspondence is not really necessary. Just don't participate - period.

**Motion to go into Closed Session**
Mr. Peterson moved to go into Closed Session to discuss Ethics Complaints #2010-01; 2011-01; 2011-02; and 2011-03. Mr. Winnick seconded. **Passed unanimously 3-0.**

Open Session ended and Closed Session began at 7:19 p.m.

**Attending:**
Maria Davis, Chairman
Byron Peterson
Ben Winnick
Cyndee Burke, Clerk

4. **Continued Consideration of Ethics Complaints 2010-01; 2011-01; 2011-02; 2011-03** – There was discussion. No action taken.

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

Closed Session ended and Open Session began at 7:27 p.m.
Attending:
Maria Davis, Chairman
Byron Peterson
Ben Winnick
Cyndee Burke, Clerk
A student from Southern CT State University observing a municipal meeting.

Adjournment:
Mr. Peterson moved to adjourn the meeting. Mr. Winnick seconded. Passed unanimously 3-0.

The Regular Meeting of the Board of Ethics adjourned at 7:27 p.m.

Respectfully submitted,

Cyndee Burke, Clerk
Mrs. Davis, Chairwomen
Shelton Board of Ethics
54 Hill Street
Shelton, CT. 06484

October 13, 2009

Mrs. Davis,

The Registrar of voters will be conducting a lottery to determine order on election ballot of names of candidates for multiple-opening office. When the lottery to determine the order in the first ward I shall step aside.

The Registrar of Voters office on November 8, 2011 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,

John “Jack” Finn
Democratic Registrar of Voters
Jack Finn

From: Bromley, Ted [Ted.Bromley@po.state.ct.us]
Sent: Monday, August 04, 2008 2:51 PM
To: j.fin@cityofshelton.org; jf30790@aol.com
Subject: Incompatible Office

Dear Jack,

You have asked our office a question regarding incompatibility. More specifically, you asked whether an individual can serve as both a registrar of voters and alderman. C.G.S. Section 9-210 refers only to a restriction on an individual holding both the office of registrar of voters and selectman. The office of alderman is an office created solely by charter and therefore, not specifically referred to in the general statutes. As such, there exists no specific restriction in the general statutes for an individual to hold the offices of registrar of voters and alderman.

Thank you.

Sincerely,

Theodore E. Bromley
Staff Attorney
Legislation and Elections Administration Division
Office of the Secretary of the State
Phone: (860) 509-6100
Fax: (860) 509-6127
E-mail: ted.bromley@po.state.ct.us

9/13/2011
October 4, 2011

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

Dear Chairman Davis

On October 4, 2011 The Board Of Fire Commissioners will be meeting. On the agenda is the Deputy Fire Marshal Appointment/Status.

I as a Fire Commissioner from Company #3 will be not take part in the selection process, as I am also a candidate for the position of Deputy Fire Marshal.

Sincerely,

[Signature]

Ben McGorty
Fire Commissioner Company 3

cc: City Clerk
Board of Fire Commissioners