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Legislation & Administration Committee of the RTM
Meeting Minutes
September 30, 2026 | 7:00PM
Appleby Room, Waterford Town Hall

Members Present: Erica Casper, Mary Childs, Paul Goldstein
Members Absent: Emmeline Franklin, Danielle Steward-Gelinas
Also Present: Sue Driscoll, RTM moderator; John Scimone, Ethics Commission member

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1. Confirmation of Quorum and Call to Order

Chair Erica Casper called the meeting to order at 7:00PM.

2. Public Comment

None.

3. Consideration and Action on Minutes of the July 20, 2026 Committee Meeting

Motion by Mary Childs, seconded by Casper to approve the minutes. Paul Goldstein requested an amendment to the previous meeting's minutes to include a packet of materials he had submitted to provide context for his comments regarding the ethics ordinance. Motion to accept minutes as amended by Goldstein, seconded by Childs. Voice vote unanimous in favor.

4. Review of Ethics Ordinance 2.50 (RTC 10/7/24)

The committee continued its review of the town's ethics ordinance. John Scimone, a member of the Ethics Commission, presented a comparison of Waterford's ordinance with those of several other Connecticut municipalities. He clarified that his review represented his individual research and had not been formally considered or endorsed by the Ethics Commission. Although his written presentation contained several areas for potential revision, Scimone highlighted three for discussion: clarifying the definition of conflicts of interest, addressing the appearance of impropriety, and establishing clearer procedures for handling ethics complaints involving multiple respondents. Scimone's document is included as an attachment to these minutes.

Committee members discussed the potential benefits and challenges of more specific conflict-of-interest provisions, including whether certain restrictions would be permitted under state law. Members referenced approaches used by other Connecticut municipalities and discussed seeking guidance from the town attorney on specific legal questions.

The committee also discussed the handling of complaints involving multiple individuals, with general support expressed for considering complaints separately. Additional discussion addressed the availability of ethics-related guidance and advisory opinions, including how information is provided to newly elected and appointed officials.

Members referenced past ethics matters when discussing potential conflicts of interest and expressed differing views on whether additional restrictions were warranted. The committee also briefly discussed provisions addressing consequences for ethics violations.

Goldstein also provided a photocopy of a newspaper article describing recent revisions to the Town of Old Lyme's ethics ordinance. The article was offered as an example of changes adopted by another municipality for the committee's consideration. A copy of the material submitted by Goldstein is included as an attachment to these minutes.

While members generally supported clarifying definitions and procedures within the ordinance, differing views remained regarding how broadly conflicts of interest should be defined and whether additional restrictions should be imposed on public officials and employees. Members also expressed differing opinions about whether the ordinance should address certain situations involving personal or family relationships and participation in municipal decisions. The committee did not reach consensus on these issues and agreed that further discussion was needed.

Next Steps

Members agreed to independently review the ordinance and identify specific language they would recommend adding, removing, or revising, particularly regarding definitions and clarity. Scimone's comparative review will be circulated to committee members for reference.

The committee plans to continue reviewing proposed changes at its November meeting and identify specific questions that may require review by the town attorney.

No proposed changes to the ethics ordinance were voted on or adopted at this meeting.

5. Future Meeting Schedule

Tentative timing for next meeting will be mid-November.

6. Adjournment

Motion to adjourn was made and seconded. Voice vote unanimous in favor. Meeting adjourned at 8:16PM.

Submitted by: Erica Casper

Chair, Legislation & Administration Committee of the RTM

*Attachment: Supplemental materials provided by member Paul Goldstein
Draft of Ethics Review provided by John Scimone*

Public Notices

Public Notices

Public Notices

Public Notices

Legal Notice
Town of Old Lyme

At a Town Meeting on July 21, 2026, the following ordinance amendments to Chapter 43 of the Code of Ethics were adopted, which shall become effective fifteen (15) days after the date of this publication. General Code Revisions made were:

Chapter 43 - Name of Code:
• Amend the name of the Code to include the name of town i.e., "Old Lyme Code of Ethics" vs. Code of Ethics.

Use of Titles:
• Position Titles i.e., "Official, Officer and/or Employee" to be used within the Code instead of generic "she/her" references for more specificity.

• Use proper legal form when referencing defined terms i.e., upper case.

§43.7 A. (3) - Alternate Members
The Ethics Commission shall select three alternates to include members of different political parties and/or unaffiliated voters. An alternate member(s) may act in the place of an absent or disqualified Ethics Commission member appointed pursuant to § 43-7A (2) upon majority vote of the Ethics Commission.

The terms of office for Alternate Members shall be similar to the terms stipulated for regular members of the Commission.

§43.7 A. (4) - Ombudsman
• The ombudsman shall serve a term which is similar to the term conditions stipulated for regular and alternate members of the Commission.

• When any public official, officer, or public employee or individual has a question as to the applicability of any provision of this code to a particular situation or as to the definition of terms used herein, said official, officer, employee or individual may apply, in writing, to the ombudsman and/or to the Commission directly for an advisory opinion.

• In the event that the Ombudsman is unavailable to respond to any such requests in a timely manner the Commission may elect to respond in his/her place.

§43.7 B. - Meetings of Commission
The Commission shall meet regularly at quarterly intervals each calendar year and additional meetings shall be held at the call of the Chairman or three members of the Commission at other times to hear a complaint or violation of the Code or other such purpose as the Commission may determine. At the first quarterly meeting the Chairman, Vice Chairman and Secretary shall be elected.

§43.8 - Financial Interest - (Definition Added)
Financial interest means any pecuniary or material benefit accruing to a town official or employee that results from a contract, transaction, routine decision or other matter which is or may be the subject of an official act by or with the town, except for such contracts and transactions that confer opportunity and right to realize accrual of similar benefits to all individuals similarly situated.

§43.9 - Personal Interest - (Definition Added)
Personal interest means any interest, other than financial, which could affect the action of the official or employee, except if that interest is based solely on the responsibility of this individual's town office or employment.

Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental, or similar non-profit organization is not deemed to automatically create a presumption of personal interest unless the official or employee is also an employee, officer, director, or board member of the organization.

§43.9 - Conflict of Interest (re: Avoidance)
All public officials, public employees and/or appointed members of the Town government shall seek to avoid over the appearance of impropriety as it relates to this Section. All such individuals shall also be required to use good faith efforts to disclose any potential conflict of interest when acting on a matter in their official capacity.

§43.9 - Gift - Under the Code, gifts, gratuities, and favors are not permitted. A Gift shall mean anything of monetary value including services in excess of \$100.00 cumulative in any calendar year given or paid to a town official or town employee, to the extent that consideration of equal or greater value is not received.

§43.9 - Immediate Family - Immediate family means spouse, child, parent, grandchild, mother, sister, grandparent, daughter-in-law, son-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, stepparent, stepchildren, and step grandchildren.

§43.9 - Probable Cause (Definition Added)
Probable cause for making a referral for a hearing by the Commission exists when a finding that the facts of the matter complained of, would warrant a reasonable person to suspect that a Code violation may have occurred. Further, a violation of this Code shall be established only upon clear and convincing evidence sufficient to produce a firm belief or conviction as to the truth of the allegations. The burden of proof shall rest with the complainant.

§43.9 - Disclosure of Information
No public employee or public official shall disclose or use confidential information concerning the affairs of the Town or of any individual for the financial interests of the employee, official, or others.

This document is prepared for the benefit of the public, solely for the purposes of information, summarization, and explanation. This document does not represent the intent of the legislative body of the Town of Old Lyme for any purpose. A full copy of the ordinance is available for public inspection at the Town Clerk's office, 52 Lyme Street, Old Lyme, CT.

401120573

LEGAL NOTICE
PUBLIC AUCTION

601120571

Access Storage of Ledyard will sell at public auction under Cate, Gene, Steinar's 4163 and 4162, for cash only on August 22, 2026 at 10:00 am, or on such succeeding days and times may be necessary, at Access Storage of Ledyard, at 2 Lorene Industrial Parkway. The storage facility has the right to hold on any unit. The property described as personal property belonging to:
Unit 64 - John & Savannah Ellis

TOWN OF MONTVILLE
NOTICE OF ORDINANCE ADOPTION

601120597

Notice is hereby given that the Montville Town Council at a regular meeting held Monday, August 10, 2026 adopted the following ordinance: **ORDINANCE 2026-06 - AN ORDINANCE TO AMEND ORDINANCE NO. 2017-01 "ORDINANCE REGARDING LAND USE APPLICATION PROCESSING FEES"** The full text of the Ordinance can be found at www.townofmontville.org or on file in the office of the Town Clerk. Dated at Montville, CT this 11th day of August 2026.
Katie Harling, Town Clerk

601120544

TOWN OF WATERFORD, ZONING BOARD OF APPEALS
NOTICE OF ACTION

The Zoning Board of Appeals of the Town of Waterford held a meeting on August 5, 2026. The following is the decision of the Board:

Approved: Application #28A-20-4 - 154 Burdett Road Information regarding this decision can be found in the office of Planning & Development of the Town of Waterford.
Cathy Gomo, Chair

601120539

NOTICE TO CREDITORS

ESTATE OF Mary D. Patton, AKA Mary Othello Leone Patton (20-00599)

The Hon. Elizabeth L. Leamon, Judge of the Court of Probate, District of Southeastern Circuit, Regional Probate Court, by decree dated August 4, 2026, ordered that all claims must be presented to the fiduciary at the address below. Failure to promptly present any such claim may result in the loss of rights to recover on such claim.

Debbie L. Barker, Assistant Clerk

The fiduciary is:

Terry Patton Rhoads
c/o PASQUALE A. CAVALLIERE, CAVALIERE LAW FIRM, INC., 99 MECHANIC STREET, PAWCATUCK, CT 06377



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Comparative Review of Connecticut Municipal Ethics Ordinance Language and Suggested Changes to Waterford Ethics Ordinances

Three Objectives for Waterford Code of Ordinances Chapter 2.50

Submitted by: John Scimone

Date: 9/23/2026

Note that this document contains many useful hyperlinks and is intended to be viewed digitally so the reader can take full advantage of this. A digital copy of this document may be found at <https://cloud.scimone.net/s/ScaRJ9BzYSbrEib> for unofficial reference only.

What's in here

Who Chapter 2.50 covers — a threshold point, not one of the objectives. The chapter's two defined terms are mutually exclusive, which complicates any rule about people who serve the town twice, and between them they leave the fire department's volunteers outside the code entirely. **Two questions are left open** here, and both bear on how Objectives 1 through 3 would be drafted.

↳ Open questions

The three objectives

1 — Clarify what counts as a conflict of interest

Our test reaches only direct money, and nothing in the chapter reaches a personal or non-financial interest. This would add personal interests, a de minimis exception for general policy matters, a rule for town and board of education employees who serve on town bodies, and a duty to disclose on the record. **One question is left open**: how far the bright line should go.

↳ Suggested language · Open questions

2 — Add an appearance-of-impropriety standard

Chapter 2.50 has no general standard, though § 2.50.010(A) comes close and two operative provisions already use appearance-style tests. This would add two phrases to that sentence and a new operative standard with a reasonable-person test. **One question is left open:** whether the standard should be enforceable on its own or aspirational.

↳ Suggested language · Open questions

3 — Complaints that name more than one person Section 2.50.070 is silent. This would give each respondent individual notice, an individual response, and an individual determination, following Glastonbury, while leaving intake alone — a complainant could still name several people in one filing. Greenwich goes further and severs the proceeding outright; the one Connecticut authority requiring separate *filings* sits in a citizen's guide rather than an ordinance, and this draft follows neither.

↳ Suggested language · Open questions

About this document

We're planning to hand the Legislation and Administration Committee some suggested changes to Chapter 2.50 that they can work from in putting together recommendations for the RTM. This document pulls together what other Connecticut towns have written into their ethics ordinances on the questions we've been talking about, so we're not starting from a blank page.

Objectives 1 through 3 propose changes to the ordinance, and each is laid out the same way:

1. **What Chapter 2.50 says now** — our current text, quoted.
2. **The gap** — what our language doesn't cover, and why that matters in practice.
3. **How other Connecticut towns handle it** — their actual text, with links to the sources.
4. **Suggested language** — a draft to react to. Change it, cut it, replace it.
5. **Open questions** — the real choices, and suggested questions for the Town Attorney.

One thing to flag before we get into it. The draft language in part 4 of each objective is just my first take. It's meant to be a starting point for discussion and editing.

Our current ordinance. Chapter 2.50, *Ethics Commission*, last amended by R.T.M. action on December 7, 2020 — every section in the chapter is annotated "(R.T.M. 12-7-20)". Municode HTML. Municode stamps that page with a version date of July 27, 2026, which is when Municode last republished the code as a whole; it is not an amendment date for this chapter.

For reference, here's how Chapter 2.50 is laid out:

Section	
2.50.010	Preamble and declaration of policy and purpose
2.50.020	Definitions
2.50.030	Code of ethics
2.50.040	Establishment of an ethics commission and operating procedures
2.50.050	Adoption of rules of procedure
2.50.060	Advisory opinions
2.50.070	Procedure for receiving and hearing complaints
2.50.080	Notice of hearing and decision
2.50.090	Report of findings and opinions and recommendations
2.50.100	Finances and compensation
2.50.110	Effective date and reports
2.50.120	Distribution of the code of ethics

Who Chapter 2.50 covers

This section isn't one of the three objectives. It came out of the research, and it affects all three of the amendments that follow.

Everything in Chapter 2.50 applies to "public officials" and "town employees" and to nobody else. Both terms are defined in § 2.50.020, and how they're written decides who any amendments can actually reach.

The two definitions

§ 2.50.020(E)** — "Town employee"*** means "an individual working for salary or wages from the town, including board of education employees, whether on a part-time or full-time basis and whether the position is reviewed by personnel review board or not, **but does not include the town attorney or any public official.**"

§ 2.50.020(H)** — "Public official"*** means "any elected official, including members of the board of education and board of selectmen; or any individual, including the town attorney, appointed to any town office, commission, agency, committee, board, or department by the representative town meeting (R.T.M.), board of finance, board of education, first selectman, or board of selectmen."

Four features of that pair do the work:

- **They're mutually exclusive**, and "public official" wins. A town employee who is elected or appointed to a town body becomes a public official and stops being a "town employee" anywhere in the chapter.
- **"Public official" carries no pay requirement**. That is how § 2.50.010(C) delivers on its promise of a code for officials and employees "whether elected or appointed, **paid or unpaid**" — the unpaid come in through this limb.
- **It reaches appointment to a "department,"** not only to a board or commission.
- **But only by five named authorities** — the R.T.M., board of finance, board of education, first selectman, and board of selectmen. That is a closed list.

Where that leaves gaps

First, nobody can hold both terms at once. That matters for any rule aimed at people who serve the town twice, because such a rule has to pick a subject, and either choice misses someone.

Second, the unpaid who weren't appointed by one of the five fall outside both definitions. "Town employee" requires salary or wages. "Public official" requires election or appointment by the five. Anyone who is neither paid nor appointed that way is in neither term, and so outside the chapter entirely.

The fire department's volunteers are that second group. Section 2.36.030 provides that the Waterford Fire Department "shall be staffed through volunteers and/or paid individuals," and § 2.36.040 makes any qualifying individual, "volunteer or paid," **personnel of the Waterford Fire Department**. Their qualifications are set by the director of fire services and the director of human resources, neither of whom is on the five-authority list, so they aren't public officials. And they aren't paid, so they aren't town employees.

They aren't quite unpaid, and the ordinance is careful about it. Section 2.36.080 runs an incentive program providing "monetary compensation to active volunteer firefighters," but structures it as expense reimbursement and expressly excludes "personnel employed by the Town of Waterford." The town pays these people something and says in the same breath that they aren't employees.

Why it's a problem

The first gap defeats any dual-role rule we write. Tolland § 6-3B, its rule for employees who serve on town bodies and set out in full in Section 1.3, begins:

"In addition to other restrictions of this chapter, **a Town employee who serves on any governmental body of the Town** shall not vote or participate..."

Copy that subject into Chapter 2.50 and it reaches nobody: everyone who serves on a town body is a public official, and no public official is a town employee. The rule would describe a category our own definitions treat as empty.

The second gap leaves real people outside a code that says it covers them. Fire department personnel handle equipment and make purchasing recommendations, they receive town money under § 2.36.080, and § 2.50.010(C) states that the code reaches the unpaid. At present it doesn't reach them.

Two boundaries are worth marking. For **boards and commissions the closed list holds**: Charter Chapter IV assigns those appointments to the R.T.M. and Chapter V to the board of selectmen, the ordinances lead back to the same authorities in every case checked — the housing authority, building committees, the regional Niantic River Gateway Commission — and Charter § 3.2.6 gives boards no appointing power of their own. Departments are where it breaks, because departmental personnel are engaged by directors and department heads. The second boundary is that the gap stops at people who serve the town: several entities named in § 2.36.030 are private corporations the town contracts with, and a town ethics code governs the people who serve the town, not the internal affairs of its contractors. Some Connecticut towns do reach further — Essex regulates agents, consultants and contractors, and Tolland defines "paid consultant" and "large contractor" — but that's a separate question we haven't taken up.

Possible solutions

For the coverage gap, widen the appointing authorities in § 2.50.020(H). Because "public official" already has no pay requirement, this reaches unpaid departmental personnel without touching anything else.

Suggested addition to the end of § 2.50.020(H) — proposed language, not current text:

...or any individual who serves the town or the board of education without salary or wages and who is appointed or designated to serve in any town office, commission, agency, committee, board, or department by any other board, commission, agency, committee, department, or department head of the town.

The limitation to unpaid service is deliberate. Drafted more broadly — reaching anyone "engaged to serve" in a department by a department head — it would capture ordinary paid staff, who are hired exactly that way. They would become public officials, and since § 2.50.020(E) excludes public officials from "town employee," every paid departmental employee would drop out of that term and out of the provisions written for them.

For the mutual-exclusivity gap, there are three routes:

- **Name both terms in each rule.** What the draft in Section 1.4 does. Surgical and free of side effects, but the oddity stays and the next drafter can fall into it again.
- **Strike "or any public official" from the exclusion in § 2.50.020(E).** Structurally the cleanest, because it fixes the problem once rather than rule by rule. But five provisions bind "town employees" without also naming public officials, and two would need repair alongside it: § 2.50.030(H), whose bar on using one's position to benefit a political party would otherwise catch paid elected officials, and § 2.50.040(A), which would let allegations against board members be routed to an agency's internal procedure instead of to us. The other three are harmless or helpful — the union carve-out in § 2.50.030(G), the whistleblower protection in § 2.50.070(A), and § 2.50.090(G), which keys off union membership rather than the definition.
- **Define the population directly,** adding a third term to § 2.50.020 for a public official who is also a town or board of education employee. Leaves every existing provision untouched, at the cost of another defined term.

My own view is that the second route is right: it fixes the problem at its source instead of working around it in every rule we write from now on. The first is safe and costs nothing. The third buys nothing the second doesn't, at the price of another definition.

The draft in Section 1.4 takes the first route deliberately, because naming both terms works whichever way the question is resolved and doesn't presuppose an answer. If the second route is taken, that belt-and-braces wording can be trimmed back.

Open questions

1. **Should the coverage gap be closed?** The suggested addition above would bring the fire department's volunteers, and anyone else serving unpaid outside the five authorities, inside the chapter. The alternative is to treat the code as meant for paid staff and appointed members, and to accept that § 2.50.010(C) overstates its reach.
2. **Which of the three routes on mutual exclusivity?** Worth settling early, because it changes how much the R.T.M. would be asked to amend.

Suggested questions for the Town Attorney. Whether widening "public official" as suggested has consequences elsewhere in the Code; whether it would reach volunteers serving through the private fire companies the town contracts with under § 2.36.030; and whether any town department other than the fire service is staffed by unpaid personnel who would be brought in by it.

Objective 1 — Clarify what counts as a conflict of interest

1.1 What Chapter 2.50 says now

§ 2.50.030(A) — the conflict standard:****

"Public officials or town employees have an interest that is in substantial conflict with the proper discharge of duties or employment in the public interest and of responsibilities as prescribed by the laws of this state if they have reason to believe or expect that they, their immediate family, or a business with which they are associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of their official activity."

§ 2.50.030(B) — the group exception:****

"Public officials or town employees do not have an interest that is in substantial conflict with the proper discharge of duties in the public interest and of responsibilities as prescribed by the laws of this state if any benefit or detriment accrues to them, their immediate family, or a business with which they are associated as a member of a profession, occupation, or group to no greater extent than any other member of such profession, occupation, or group."

§ 2.50.030(C) — what happens then:****

"A public official or town employee may not take official action on any matter in which a substantial conflict (as defined in subsection A of this section) exists. If the conflict is disclosed, a public official or town employee may participate in discussions with or give opinions or recommendations to a town board, agency, commission, committee, department, or another public official or town employee."

Section 2.50.030 doesn't stop at (C).**** It runs through subsection (H): (D) covers using your position for personal gain and keeping town information confidential; (E) covers unauthorized use of town vehicles, equipment, and property; (F) covers gifts; (G) covers non-bid contracts; (H) covers special

treatment. Any new subsections have to be added after (H) — a point that matters when we get to the draft in Section 1.4.

Who these provisions apply to is set by two definitions in § 2.50.020, and the way they fit together causes problems for any rule aimed at people who serve the town twice. That is set out in the section above, Who Chapter 2.50 covers; the drafting consequences are picked up in Section 1.4.

And there's a second conflict-of-interest ordinance we should have in front of us. Chapter 2.50 points to it:

§ 2.50.110(B): "In the event any provision of this chapter... is contradictory to any provision of the conflict of interest provisions of the Town of Waterford Code of Ordinances (Section 2.08.050), the provisions of this chapter shall prevail."

§ 2.08.050 — Conflict of interest.**** "Any member or employee of any town board, agency or commission, or any official, officer or employee of the town shall be prohibited from: **A.** Participating in the decision of any town board, agency, commission or office relative to any contract or purchase order for supplies, materials, equipment or contractual services furnished to or used by the town, board, agency, commission or office if that person is financially interested in, **or has any personal beneficial interest, either direct or indirect;** **B.** Accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by the town, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future regard or compensation; **C.** Violation of the provisions of this section may be cause for disciplinary action, up to and including removal from office, by the appointive authority."

So the Waterford Code already recognizes a "personal beneficial interest, either direct or indirect" — just in a different chapter, and only for contracts and purchase orders.

1.2 The gap

Subsections (A) and (B) take their structure from Connecticut General Statutes § 7-148h(b). But we didn't simply copy the state minimum — we widened it in two respects.

The statute reaches "an elected official," and only that official's "spouse or dependent child." Chapter 2.50 applies the same test to "public officials or town employees" — picking up appointed officials and every wage-earning town and board of education employee — and to "their immediate family," which § 2.50.020(C) defines to include parents, parents-in-law, siblings, spouses of children, and dependent relatives in the household.

We expanded who the conflict of interest test applies to, but we never broadened it beyond financial interests. The test still asks one question — will this person, their immediate family, or a business they're associated with gain or lose money directly — and it now asks that of every appointed official and every wage-earning town and board of education employee. Four things follow from that.

(a) The test only reaches direct money. A conflict exists only if the official expects "a direct monetary gain" or "a direct monetary loss." An interest that's real, substantial, and obvious to anyone watching — but that isn't a payment to the official — simply isn't in the definition. Chapter 2.50 has no concept of a *personal* or non-financial interest.

We shouldn't overstate this, though. As Section 1.1 notes, § 2.08.050 already bars participating in a decision where a person "is financially interested in, or has any personal beneficial interest, either direct or indirect." The Waterford Code isn't silent on personal interests — it's inconsistent about them, and the two provisions sit in different places with different enforcement routes. Section 2.08.050 recognizes indirect and personal interests, but only for contracts and purchase orders, and it is enforced by the appointing authority through discipline: a violation "may be cause for disciplinary action, up to and including removal from office, by the appointive authority." Chapter 2.50, which is the chapter the Waterford Ethics Commission administers, recognizes neither kind of interest, for any subject. That's an argument for harmonizing two provisions we already have, which is an easier thing to ask for than a new idea.

(b) We say nothing about serving in two roles at once. Residents often serve the town twice — as an employee and as an elected or appointed member of a town body — and Chapter 2.50 has no rule for what that means. Employment creates interests that are real but not payments: an employer's institutional stake in an outcome, and a relationship with the people who supervise, evaluate, and set the pay of the member doing the voting. None of that is a "direct monetary gain." Our definitions section names board of education employees and town employees, so we clearly contemplate that these people serve — we just never say what happens when a matter touches the body that employs them.

This isn't a case of the chapter covering the ground in different words. Tolland's rule names five subjects: collective bargaining, compensation or benefits, personnel policies and procedures, the budget and other appropriations, and the employment or performance of personnel. The words "collective bargaining," "budget," "appropriation," and "personnel policies" appear nowhere in Chapter 2.50. "Compensation" appears three times, none of them in the code of ethics itself, and "vote" appears five times, all of them about how the Ethics Commission conducts its own business. The nearest thing we have is the direct-monetary-gain test in § 2.50.030(A), and a vote on your own department's appropriation is exactly the case that test was never built to catch.

(c) **We have no rule for matters where the effect is indirect.** Chapter 2.50 works well for the clean case: a specific contract, a specific applicant, a specific decision with a traceable dollar consequence for a named person. It gives us much less to work with when the matter is broad — an aggregate appropriation, a policy adopted across a department, a decision whose effect on any one person is real but diffuse. And the group exception in (B) is quietly doing a lot of work here. Read it broadly, "as a member of a profession, occupation, or group" could excuse a great deal on the theory that everyone in the group is affected alike. Read it narrowly, it only covers interests shared with the general public. We don't say which way it should be interpreted, and there's no *de minimis* language anywhere in the chapter to help us split the difference.

(d) **There's no easy way to just put something on the record.** Section 2.50.030(C) hangs entirely on whether a "substantial conflict... exists" — a yes-or-no call the official has to make alone, in the moment, with no obligation to say anything at all if they land on "no." Nothing requires disclosing a *possible* conflict and letting the minutes reflect it.

1.3 How other Connecticut towns handle it

Essex — a low bar for disclosure, plus an actual definition of a non-financial interest.

Source: Town of Essex Code of Ethics Ordinance, adopted at a Special Town Meeting on July 1, 2015 and published July 16, 2015

Definition, "Personal interest": "any interest, other than financial, which would affect the action of the official or employee, except where that interest is based on the responsibility of his/her town office or employment. Membership in or affiliation with a social, fraternal, charitable, service, educational, religious, governmental or similar organization is not deemed to automatically constitute a personal interest."

§ V.2: "Any person who may have an interest... shall disclose for the record of the proceedings that the person has or may have a conflict of interest, prior to the decision, transaction or contract. Disclosure of the nature of the conflict may, but need not, be disclosed for the record of the proceedings."

§ V.4: "shall refrain from voting upon or otherwise participating in any matter... if he/she, or a member of his/her immediate family, has a financial or personal interest in the decision"

The phrase to notice is **"has or may have."** That turns disclosure from a private judgment call into a public default, and it moves the hard question off the individual official and onto the body — and, if it comes to it, onto us. The sentence after it is worth just as much: Essex requires you to say *that* you have a conflict without requiring you to say *what* it is. That's a ready answer to the privacy objection anyone will raise against a mandatory disclosure rule.

But read the exception in the Essex definition carefully, because it cuts against us. A personal interest doesn't count if it "is based on the responsibility of his/her town office or employment." Read plainly, that carves out the very thing Section 1.2(b) is about — an interest arising from the individual's own town employment. So Essex is a model for the disclosure trigger in § V.2, but not for the definition of personal interest. The draft in Section 1.4 goes the other way and counts employment as a personal interest.

Tolland — the only Connecticut provision I found that actually answers the employee-voting question. Source: Town of Tolland Code of Ethics, Chapter 6

§ 6-3A (Recusal): "A Town employee or Town official shall refrain from voting upon or otherwise participating in any matter on behalf of the Town if the employee or official, a business with which he or she is associated, or a member of his or her immediate family has a financial or personal interest in the matter, including, but not limited to, the sale of real estate, material, supplies or services to the Town or by the Town. Notwithstanding the foregoing prohibition, a Town employee or Town official may vote or otherwise participate in a matter that involves a determination of general policy if the employee's or official's interest in the matter is de minimus in nature or shared with a substantial segment of the population of the Town, such as paying taxes, assessments or charges for service to the Town."

§ 6-3B: "In addition to other restrictions of this chapter, a Town employee who serves on any governmental body of the Town shall not vote or participate on any matter involving, for the department or program employing such public employee, (1) collective bargaining, (2) compensation or benefits, (3) personnel policies and procedures, (4) the budget, other appropriation or capital funding, or (5) employment, compensation, benefits or performance of personnel."

§ 6-2, "Personal interest": "An interest in any action taken by the Town of Tolland in which an individual will derive a nonfinancial benefit or detriment but which will result in the expenditure of Town funds."

§ 6-2, "Conflict of interest": "A condition wherein a public official or public employee or a member of her/his immediate family has a financial or personal interest that conflicts with the proper discharge of the public official's or public employee's official duties or employment in the public interest or is contrary to this Code."

Tolland § 6-3B settles the dual-role question in advance instead of leaving it to be argued about after a vote. And notice how the two pieces work together: § 6-3A's de minimis exception is deliberately narrow — interests "shared with a substantial segment of the population of the Town, such as paying

taxes" — which shuts down the argument that a department-wide effect counts as a "group" interest and is therefore excused.

One caution, and it's a real one: § 6-3B may not work in Tolland either. Their definitions section says:

§ 6-2, "Town employee": "A person, other than an elected or appointed official, employed, whether full- or part-time, by the Town."

§ 6-2, "Town official": "An elected or appointed official, whether paid or unpaid or full- or part-time, of the Town."

So § 6-3B's subject — "a Town employee who serves on any governmental body of the Town" — describes a person Tolland's own definitions exclude from the term "Town employee." Tolland's chapter is inconsistent on this in other places too: the definitions speak of "public official" and "public employee," while the operative sections use "Town official" and "Town employee."

None of that makes the underlying idea wrong. But Waterford's definitions carry the same exclusion, so the sentence can't be borrowed as written — see Who Chapter 2.50 covers. The draft in Section 1.4 takes Tolland's substance and rewrites the subject.

Old Lyme — a fuller definition that names both financial and personal interests, and deals with outside employment.

Source: Town of Old Lyme Code, Chapter 43, § 43-3

"A public official or public employee has an interest which is in substantial conflict with the proper discharge of his/her duties or employment in the public interest if he/she has reason to believe that he/she or a family member of his/hers will derive a direct monetary gain or suffer direct monetary loss, as the case may be, by reason of his/her official activity. A public official or public employee does not have an interest which is in substantial conflict with the proper discharge of duties in the public interest if any benefit or detriment accrues to him/her as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. Specifically, a conflict of interest exists if a public official or public employee or family member of such official or employee has a financial or personal interest in the outcome of any matter under consideration before him/her in his/her official capacity within or before his/her department or a board or commission of which he/she is a member; a public official or public employee accepts employment which will either impair his/her independence or judgment with regard to his/her official duties or require him/her to disclose confidential information acquired by him/her in the course of his/her duties."

Old Lyme starts from exactly the same state-statute language we use, then adds a "Specifically..." sentence that reaches **financial or personal** interests in the outcome. That's a pattern we could copy without disturbing much of our existing text.

West Hartford — the widest version, for comparison.

Source: Town of West Hartford Code, Chapter 16 — Ethics, Code of

§ 16-6: "No officer, official or employee of the Town shall engage in any business or transaction or shall have a private financial interest or personal interest, direct or indirect, which is incompatible or in conflict with the proper discharge of his or her official duties in the public interest or would tend to impair the independence of judgment or action in the performance of the official duties of the officer, official or employee of the Town."

Brookfield — the most complete single provision of the group, and worth quoting in full.

Source: Town of Brookfield Code, Chapter 21

§ 21-4C (Deliberation and vote prohibited): "No officer/employee shall vote, act, participate in official discussion or give official opinions on matters in which he has a direct or indirect financial or other personal interest. Any officer/employee, who, as part of his official duties, comes upon a circumstance where he may have a conflict, shall acknowledge publicly that a conflict exists. That action shall be noted in the minutes of the meeting and the officer/employee shall recuse himself from participation in that particular issue. The officer/employee does not have to disclose the specific nature of this conflict or submit a disclosure form. If the conflict occurs during the public session of a meeting, the officer/employee shall move away from the table and may sit in the audience. If the conflict occurs in executive session, the officer/employee shall leave the meeting during the executive session."

Brookfield does four things in one paragraph: a recusal rule that reaches "direct or indirect financial or other personal interest"; a public acknowledgment requirement; a minutes requirement; and a physical-separation requirement. It also tracks Essex in not requiring the official to explain the nature of the conflict.

Montville and Plainfield — on what recusal actually requires you to do.

Montville § 49-4A disqualifies the member "to act in any way (including discussion) on the matter" — though note it applies specifically to Town Council members, and only where there's "a monetary or material benefit accruing in any proposed legislation before the Council". Plainfield § 1-3 ¶ 3(b) matches Brookfield's physical-separation rule: the official "shall recuse himself from such participation and vacate the room where the business is being conducted during the time of the discussion, voting or action" (rev. 3-31-2009).

All three are tighter than our § 2.50.030(C), which lets a member with a *disclosed* conflict stay in the discussion and keep offering opinions and recommendations.

1.4 Suggested language

Draft text below is written in ordinance register on purpose — this is the part that has to be precise.

Two drafting points before the text. First, § 2.50.030 already runs through subsection (H), so new material is added as (I) through (L) rather than inserted after (B). (Objective 2 adds one further subsection, (M), to the same section — see Section 2.4.) Second, subsection (K) names **both** defined terms rather than picking one. Who Chapter 2.50 covers explains why: either term on its own leaves somebody out. Naming both costs nothing and closes the gap in both directions.

(a) Add to § 2.50.020 (Definitions):

"Financial interest" means an interest, whether direct or indirect, from which an individual would derive a monetary gain or suffer a monetary loss.

"Personal interest" means an interest, other than a financial interest, in any matter before the town from which an individual would derive a non-financial benefit or detriment. A personal interest includes, without limitation, an interest arising from the individual's employment by the town or by the board of education, and an interest arising from a relationship with a person who supervises, evaluates, appoints, promotes, disciplines, or sets or recommends the compensation of the individual.

"Conflict of interest" means an interest that is in substantial conflict with the proper discharge of duties within the meaning of Section 2.50.030(A), or a financial interest or personal interest within the meaning of Section 2.50.030(I).

Why three definitions and not one. Chapter 2.50 currently has no definition of "conflict of interest" and none of "financial interest" — subsections (A) through (C) work entirely through the phrase "substantial conflict" and the test of "direct monetary gain." Once we add a personal-interest limb, the chapter needs a single term that covers both limbs, or the recusal rule in (C) and the disclosure duty in (L) end up pointing at two concepts with no name in common. Tolland and Old Lyme both define "conflict of interest" for exactly this reason.

(b) Add a new subsection (I) to § 2.50.030, after existing subsection (H):

(I) Personal interests. In addition to the substantial conflicts described in subsection (A) of this section, a conflict of interest exists if a public official or town employee, or a member of that individual's immediate family, has a financial interest or a personal interest in the outcome of any

matter under consideration before the individual in the individual's official capacity. Subsections (B) and (J) of this section apply to a conflict of interest under this subsection to the same extent they apply to subsection (A).

(c) Add a de minimis and general policy exception:

(J) De minimis and general policy matters. Notwithstanding subsections (A) and (I) of this section, a public official or town employee may vote or otherwise participate in a matter involving a determination of general policy if the individual's interest in the matter is de minimis in nature or is shared with a substantial segment of the population of the town, such as the payment of taxes, assessments, or charges for services to the town.

(d) Add the employment rule — this is the piece that addresses the gap in 1.2(b):

(K) Service on a town body by town and board of education employees. In addition to the other restrictions of this chapter, any public official or town employee who serves as a member of any governmental body of the town and who is employed for salary or wages by the town or by the board of education shall not vote or participate on any matter involving, for the department, board, or program employing that individual: (1) collective bargaining; (2) compensation or benefits; (3) personnel policies and procedures; (4) the budget, other appropriation, or capital funding; or (5) the employment, compensation, benefits, or performance of personnel. Nothing in this subsection prevents such an individual from voting on a budget or appropriation for the town as a whole, provided the individual does not vote separately on the budget, appropriation, or capital funding of the department, board, or program employing the individual. This subsection applies to such an individual whether that individual is a public official, a town employee, or both, and notwithstanding the exclusion of public officials from the definition of "town employee" in Section 2.50.020.

(e) Add the disclosure trigger:

(L) Disclosure. Any public official or town employee who has, or may have, a conflict of interest under this section shall disclose that fact on the record of the proceeding before any decision, transaction, or contract is acted upon, whether or not the individual concludes that the interest requires recusal. Where the matter is not acted upon at a meeting of a town body, the disclosure shall be made in writing to the commission and to the individual's appointing authority or department head before the matter is acted upon. An individual who is prohibited from voting or participating by subsection (K) of this section shall likewise disclose that fact before the matter is acted upon. The individual is not required to disclose the nature or details of the interest. Disclosure under this subsection does not, by itself, satisfy the recusal requirement of subsection (C).

(f) And then there's the existing § 2.50.030(C), which would be amended in place:

Right now it says: "If the conflict is disclosed, a public official or town employee may participate in discussions with or give opinions or recommendations to a town board, agency, commission, committee, department, or another public official or town employee."

Whether that sentence should be kept is an open question. As written, it lets a member with an acknowledged conflict stay in the room and argue a position — which is the exact thing Brookfield § 21-4C, Montville § 49-4A, and Plainfield § 1-3 ¶ 3(b) prohibit. There's also a question whether it's enforceable at all as to elected officials; see Section 1.5. If we'd rather tighten it:

(C) A public official or town employee may not take official action on any matter in which a conflict under subsection (A) or (I) of this section exists, and shall not vote on, participate in the discussion of, or give an opinion or recommendation concerning such matter, except in response to a question from the body and after the disclosure required by subsection (L) has been made and recorded.

1.5 Open questions

The bright-line rule is a genuine policy call. Suggested § 2.50.030(K) would prohibit votes that are currently allowed, or at least arguably allowed. It lands on residents who serve the town twice — as employees and as elected or appointed members. Some people will say it protects the integrity of the vote; others will say it disenfranchises a group of residents and the voters who elected them. Both of those are fair points. Our options, roughly:

- **A bright line** (Tolland § 6-3B) — predictable, settled in advance, no case-by-case judgment calls, but categorical.
- **Disclosure, with recusal only when someone finds a conflict** (Essex, Brookfield) — flexible, but it recreates the ambiguity we're trying to get rid of.
- **Disclosure, participation still allowed** — basically our current rule, just written down clearly instead of left to inference.

To be clear about what the draft actually does: it isn't one of those three. It takes the first and the second together — a bright line in § 2.50.030(K) for the narrow list of matters touching one's own employing department, and a general disclosure duty in § 2.50.030(L) for everything else, with recusal under the amended § 2.50.030(C). The de minimis exception in § 2.50.030(J) is written to reach subsections (A) and (I) but deliberately not (K), so the bright line stays absolute. If only one of the three approaches is wanted, the pieces can be taken separately: (K) alone is the bright line, (L) with (C) is disclosure-plus-recusal, and (L) without amending (C) is close to our current rule written down.

The definitions question sits behind this one. Who Chapter 2.50 covers sets out three routes for dealing with the mutual exclusivity of "public official" and "town employee," and argues that the right one is to strike "or any public official" from § 2.50.020(E) and repair the two provisions that would shift. It bears on the draft below in a concrete way: subsection (K) names both defined terms because that works whichever route is taken, and it could be written more simply if the exclusion went. Worth settling early either way, because it changes the size of the amendment the R.T.M. would be asked to pass.

Suggested questions for the Town Attorney.

1. Does the Waterford Charter say anything about town or Board of Education employees serving on the RTM, or limit their participation in any vote? Anything we do has to fit the Charter, and the Charter wins.
2. Is there a quorum or majority problem if a chunk of a body ends up recused from the same matter, and does the common-law rule of necessity apply? An ordinance that leaves a body unable to act on business it has to act on would be a serious own goal. We may want a saving clause.
3. Separate from whatever our ordinance says, does Connecticut law already bear on when a member of a municipal body must abstain because of an employment relationship with the town or one of its agencies?
4. Does an ordinance provision about "town employees" reach Board of Education employees? Our own § 2.50.020 definition expressly includes "board of education employees," so within Chapter 2.50 it looks like yes — but how that interacts with the Board's independent statutory authority is worth a check.
5. **Is the second sentence of § 2.50.030(C) already unenforceable as to elected officials?** CGS § 7-148h(b) begins "Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary" and ends "Any such elected official who has a substantial conflict may not take official action on the matter." It contains no disclose-and-participate exception, and neither does its state-officer analogue, CGS § 1-85. Our § 2.50.030(C) then permits a conflicted official who discloses to "participate in discussions with or give opinions or recommendations." If that proviso is preempted for elected officials, the amendment suggested in Section 1.4(f) isn't only a policy improvement — it's a correction, and which it is should be settled before the provision goes any further.
6. **How should Chapter 2.50 and § 2.08.050 fit together?** Section 2.50.110(B) already tells us Chapter 2.50 prevails where the two conflict. If we broaden Chapter 2.50 to reach personal interests generally, § 2.08.050's narrower contract-and-purchase-order rule becomes redundant at best and confusing at worst. Worth asking whether the two should be harmonized in the same round of amendments.

Objective 2 — Add an appearance-of-impropriety standard

2.1 What Chapter 2.50 says now

The word "appearance" doesn't appear anywhere in Chapter 2.50. But we're closer to having this than it looks, and the sentence we already have is the one to build on.

§ 2.50.010(A):

"Public office is a trust conferred by public authority for a public purpose. The trust of the public is essential for government to function effectively. Public policy must be based on honest and fair deliberations and decisions. **Policy development must be free from threats, undue influence, and all forms of impropriety, so that the confidence of the public is not eroded.** By enacting this code of ethics, the Town of Waterford seeks to maintain and increase the confidence of our citizens in the integrity and fairness of their government."

Now put that beside Old Lyme § 43-1A, quoted in full in Section 2.3:

"The process of policy formulation and decisionmaking must be free from threats, **favoritism, undue influence and even the appearance of impropriety** so that the confidence of the public in our Town government is maintained."

The framing differs at each end, but the middle of each sentence is doing the same work — and Old Lyme's carries two things ours doesn't: **favoritism, and even the appearance of**.

§ 2.50.010(B) is the other half of the declaration, and it's worth having in view too:

"The proper operation of town government requires that all public officials and town employees shall be impartial and responsive to the public interest, that public office and employment should not be used for personal gain or advantage, and that public officials and town employees should not place themselves in positions where private interest conflicts with public duty."

2.2 The gap

The idea we're after — conduct that's technically fine but that a reasonable resident would look at sideways — has no *general* home in the chapter. Section 2.50.010 is a declaration of policy, so its "all forms of impropriety" language does no work in a complaint, and the enforceable conflict rule in § 2.50.030(A) reaches only direct money.

But the chapter is not free of appearance reasoning, and that is worth saying plainly, because it is the best argument for the amendment. Two operative provisions already turn on how a thing looks rather than on what was proved:

§ 2.50.030(F): "Public officials and town employees shall not accept any gift that might reasonably tend to influence the impartial discharge of their official acts."

§ 2.50.040(E): "However, if an accused person is an immediate family member or an immediate family member's supervisor or employed in the same department as an immediate family member, the commission member will be disqualified from voting on that particular matter."

Neither requires proof that anyone was actually influenced or actually partial. The gift rule asks whether a gift *might reasonably tend* to influence — an objective test about perception. The recusal rule disqualifies an Ethics Commission member on the relationship alone. Both are appearance standards in miniature.

So Objective 2 isn't importing a foreign principle. It's generalizing one the chapter already applies to gifts and to our own members, and extending it to official conduct at large.

Where an appearance standard has to sit, and why. Chapter 2.50 uses "the code of ethics" as a term of art, and § 2.50.060(B) glosses it:

"It shall be an absolute defense in any action brought under the provisions of the code of ethics (Section 2.50.030 of this Code)..."

Two operative provisions turn on that same phrase:

§ 2.50.070(A): "The commission shall receive complaints from any person of alleged violation(s) of the code of ethics."

§ 2.50.090(A): "The ethics commission shall make its report as to a violation of the code of ethics in the form of findings, opinions, and recommendations."

Read with the gloss, complaint jurisdiction and reporting power both run to § 2.50.030 and no further. A standard placed anywhere else in the chapter would arguably not be complainable at all, and would leave the commission finding a violation it has no power to report on. (Section 2.50.120 and § 2.50.010(C) use "code of ethics" more loosely, to mean the whole chapter, so the term isn't used consistently even now — but a new standard shouldn't be built on the reading that happens to suit it.) That is why the draft in Section 2.4 adds the standard as a subsection of § 2.50.030 rather than as a section of its own: complaint jurisdiction, reporting, and the advisory opinion safe harbour under § 2.50.060(B) then all attach automatically.

Some context worth having before we recommend this: **an appearance standard is uncommon in Connecticut**. The state Code of Ethics doesn't have one — CGS § 1-84 and § 1-85 are purely financial, the phrase "appearance of impropriety" appears nowhere in the entire chapter, and the Office of State Ethics uses the idea as reasoning rather than as a rule you can be charged under. Of the Connecticut town codes I looked at, five have appearance language — Old Lyme, Guilford, Windham, Glastonbury, and Stamford — and they don't agree on whether it's enforceable. None of that is a reason not to do it — but we should expect someone to ask "how is anyone supposed to know in advance where the line is?" and we should have an answer ready.

2.3 How other Connecticut towns handle it

Old Lyme — appearance shows up in both the declaration of policy and the operative code.
Source: Town of Old Lyme Code, Chapter 43

§ 43-1A (Declaration of policy): "Public office is a public trust. In order for our Town government to function most efficiently, the trust of the public is critical. Public policy developed by government officials and employees impacts every citizen and property owner of the Town and, as such, must be consistently based on honest and fair deliberation and decisions. The process of policy formulation and decisionmaking must be free from threats, favoritism, undue influence and even the appearance of impropriety so that the confidence of the public in our Town government is maintained."

§ 43-3: "All public officials, public employees and/or appointed members of the Town government shall seek to avoid even the appearance of impropriety as it relates to this section."

One thing to know about that second sentence: in Old Lyme it sits **inside the definition of "conflict of interest,"** in § 43-3, which is the **Definitions** section — second to last, followed only by a sentence about criminal misconduct. So "as it relates to this section" ties the appearance duty to the conflict-of-interest definition. Arguably that scoping is a feature — it keeps the standard anchored to conflicts rather than floating free — but burying an actual duty in a definitions section isn't great drafting. We can take Old Lyme's words without repeating that.

Guilford — the same idea, but as its own numbered operative section.
Source: Town of Guilford Code, Chapter 31

§ 31-6, "Appearance of impropriety" (added July 6, 2021): "An official should avoid circumstances which could compromise the official's ability to make decisions solely in the public interest or that could create an appearance of impropriety, even if not expressly prohibited under any other section of the Code."

That last clause — "even if not expressly prohibited under any other section of the Code" — is what makes Guilford's provision do real work instead of expressing a sentiment. Also worth noting: Guilford says "**should**," not "**shall**." They kept it deliberately soft.

Windham — in the policy declaration only, but it draws a conclusion the others don't.

Source: Town of Windham Code, § 2-112(c)

"It is central to gaining and retaining the public's trust that public servants seek to avoid even the appearance of impropriety. **Nothing is more important to public trust than having public servants err on the side of disclosing every possible conflict.**"

That second sentence is the most useful line in any of the appearance provisions surveyed here. Windham treats the appearance principle not as a freestanding prohibition but as the *reason* for a broad disclosure default — which is exactly the move Essex § V.2 makes operative with "has or may have," and exactly what the disclosure trigger in Section 1.4(e) is for. It's worth noticing that the appearance standard and the disclosure rule in Objective 1 are the same argument arriving from two directions.

Glastonbury — appearance language tied to one narrow situation.

Source: Town of Glastonbury Code of Ethics, Chapter 2, Article III, Division 3 (§ 2-66 as amended by Ord. No. 328, 10-22-13)

§ 2-66(f): "To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the Code, an official, not otherwise restrained by the Code, shall exercise care when appearing before other agencies and shall disclose whether s/he is appearing in his/her official capacity or as a private citizen."

Stamford — the cautionary tale, and honestly the most useful item here for our discussion.

Source: City of Stamford Code of Ordinances, Chapter 19 — Ethics, Code of (Municode)

§ 19-2(C): "Public service is a public trust. All city officers and employees are stewards of the public trust. They have a responsibility to the citizens of the city to enforce the city Charter and the associated ordinances and codes. To ensure and enhance public confidence in city government, each city officer and employee must not only adhere to the principles of ethical conduct set forth in this Code and technical compliance therewith, but they must scrupulously avoid the appearance of impropriety at all times."

Followed immediately, in the same section, by:

"This section, 19-2, shall not be used for the basis of an ethics complaint."

So Stamford wrote a strong appearance mandate and then explicitly made it unenforceable. Whatever you think of that as a resolution, it names the objection precisely: an appearance standard can be attacked as too vague to tell anyone what's actually prohibited.

The way around that objection: adopt a test, not just a phrase. The Connecticut Code of Probate Judicial Conduct states the duty and then gives you something you can actually apply — and it does both **in the rule itself**, not in commentary:

Source: Connecticut Code of Probate Judicial Conduct

Rule 1.2 — Promoting confidence in the judiciary: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety. **The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament or fitness to serve as a judge.**"

That placement is the whole point. A Connecticut code of conduct that has to survive real disciplinary proceedings (Rule 1.2) states an appearance duty and defines it in the same breath, as binding text. The COMMENT that follows Rule 1.2 confirms as much, referring to "the appearance of impropriety as defined in this rule." So the answer to "that standard is too vague to enforce" is that Connecticut already enforces one, and it did the work of writing the test down.

A Connecticut municipal ethics body already uses the same idea. The Norwich Ethics Commission's Rules and Procedure Manual includes, among the factors for sizing up a commissioner's own conflict, "How the situation would appear to an informed public." (Source)

2.4 Suggested language

(a) Amend the fourth sentence of § 2.50.010(A):

We already have this sentence. It needs two phrases, both taken from Old Lyme § 43-1A:

Policy development must be free from threats, **favoritism**, undue influence, and **even the appearance of all forms of** impropriety, so that the confidence of the public is not eroded.

Clearly stated, the amended sentence reads:

"Policy development must be free from threats, favoritism, undue influence, and even the appearance of impropriety, so that the confidence of the public is not eroded."

(b) Add a new subsection (M) to § 2.50.030, after subsection (L):

(M) Appearance of impropriety.

(1) Every public official and town employee shall seek to avoid even the appearance of impropriety in the discharge of their official duties, including circumstances that could compromise the individual's ability to act solely in the public interest, and shall do so even where the circumstances are not expressly prohibited by any other provision of this chapter.

(2) For purposes of this subsection, an appearance of impropriety exists where the conduct would create, in the mind of a reasonable person with knowledge of the relevant facts, a perception that the individual's judgment or impartiality in the discharge of official duties has been compromised.

(3) Where the commission is called upon to determine whether an appearance of impropriety has been avoided, it shall consider any disclosure made and any recusal taken under the other subsections of this section.

Two drafting notes. Subdivision (3) points at "the other subsections of this section" rather than at particular letters, so that it survives whatever happens to Objective 1's numbering. And the letter is contingent: (M) assumes Objective 1 has added (I) through (L). If Objective 2 is adopted on its own, § 2.50.030 still ends at (H) and the appearance standard becomes (I).

(c) Then a choice for subdivision (4):

Option 1 — enforceable. A violation of this subsection may be the basis of a complaint under Section 2.50.070.

Option 2 — aspirational. This subsection states a standard of conduct and shall not be used as the basis of a complaint under Section 2.50.070.

One note on Option 2. Subdivision (3) does no work under it, because there would be no proceeding in which the commission determines whether an appearance was avoided. If Option 2 is chosen, subdivision (3) should be cut or rewritten to speak to advisory opinions instead.

2.5 Open questions

"Shall" or "should." Guilford went with "should." The draft above uses "shall seek to avoid," following Old Lyme. That middle phrasing imposes a duty to make the effort rather than guaranteeing a particular outcome, and it's already in force in Old Lyme, so it isn't novel.

Enforceable or aspirational is the whole debate. Option 2 is what Stamford did: the standard shapes behavior, we can cite it in advisory opinions and in findings, but nobody gets charged under it alone. Option 1 makes it enforceable on its own and invites the vagueness argument. This is the

central choice in Objective 2, and the comparative material above bears on it more directly than on anything else in this document.

Advisory opinions are the answer to the fair-notice objection. If we adopt an appearance standard, the advisory opinion process becomes the main way an official can find out ahead of time whether something crosses the line, and § 2.50.060(B) makes an opinion an absolute defense. That holds because the standard sits inside § 2.50.030 — the defense in § 2.50.060(B) is expressly limited to that section, which is one of the reasons the draft puts it there.

Objective 3 — Complaints that name more than one person

3.1 What Chapter 2.50 says now

§ 2.50.070(A):

"The commission shall receive complaints from any person of alleged violation(s) of the code of ethics. Complaints received by the commission must be in writing and signed and acknowledged by the individual making the complaint before: (1) a judge of a court of record, (2) a clerk or deputy clerk of a court having a seal, (3) the town clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney admitted to the bar of this state. (Complaint of violation of code of ethics forms are available on the ethics commission page of the town website and in the town clerk's office.) A town employee who discloses illegal activities or unethical practices is protected by Section 31-51m of the Connecticut General Statutes from discharge, discipline, or other penalty unless the town employee knows the report is false. If the person makes a false statement, the person shall be subject to fines under the provisions of Section 53a-157 of the Connecticut General Statutes. **See the recommended complaint form in the appendix at the end of the code.**"

Two things to take from that. First, on **form**, the ordinance requires only that a complaint be in writing, signed, and acknowledged before one of six officials — that's the whole of it. Second, **we already have a complaint form**, recommended in the appendix to the Code and incorporated by that last sentence. Any change to what a complaint must contain will have to be reflected there, not just in the ordinance text.

Section 2.50.070(D) then gives us seven days to "notify the respondent in writing," and the rest of § 2.50.070 refers to "the respondent," singular, throughout. The section runs from (A) through (J).

3.2 The gap

Chapter 2.50 says nothing about complaints naming more than one person. No rule requiring separate complaints, no rule allowing one complaint against several people, nothing about severing or consolidating. The singular "the respondent" running through § 2.50.070 is drafting habit, not a decision — it doesn't tell us what to do when one filing names three people.

We also never say what a complaint has to contain. Section 2.50.070(A) requires only that it be in writing, signed, and acknowledged before one of six officials — a judge, court clerk, town clerk, notary, justice of the peace, or Connecticut attorney. It doesn't require the complainant to name who they're accusing, describe what was done, say when, or point to the provisions supposedly violated. Most Connecticut ordinances require all of that.

What happens in practice when the ordinance is silent. The default is one consolidated proceeding: one notice, one investigation, one hearing, one record, one set of findings — even where the respondents hold different positions, answer to different appointing authorities, are alleged to have done different things, and would each want to make a different case. Each person's answer gets heard alongside everyone else's allegations, and a finding about one sits in the same record as findings about the others.

Two places where Chapter 2.50 already splits a complaint, which we should account for. The chapter isn't quite as silent as it first appears — it just handles the problem by routing respondents out of our jurisdiction rather than by severing proceedings within it:

§ 2.50.040(A): "Notwithstanding provisions herein to the contrary, established internal complaint procedures of any town board, agency, commission, or committee, as such procedures may be amended, shall take precedence over the procedures established herein as to allegations levied against any town employee of such board or commission. Complaints that fall under the purview of an established complaint procedure of an agency shall be referred to that agency for disposition."

§ 2.50.090(G): "If the respondent is a member of a town employee bargaining unit or board of education employee bargaining unit, the grievance procedures outlined in the bargaining unit's contracts shall take precedence over other procedures outlined in this chapter."

So a single filing naming, say, an elected official and a department employee may already have to come apart: the employee's allegations get referred to the agency or handled through a grievance procedure, and only the official's stay with us. **We're not proposing to invent severance — the chapter already forces it, just on jurisdictional grounds rather than fairness grounds.**

One distinction worth being precise about, because it decides what the draft should say. A one-respondent-per-complaint filing rule and a separate-proceedings rule aren't the same thing. A filing rule governs intake, and on its own it wouldn't stop three related complaints being consolidated into one hearing later. What matters is that each respondent gets an individual determination, however the complaint arrived. That doesn't require severing the whole proceeding. Greenwich severs by default; Glastonbury keeps one proceeding but guarantees individual notice and lets each respondent answer alone or with others. The draft in Section 3.4 follows Glastonbury, and leaves intake alone: nothing in it tells a complainant how many people they may name in one filing.

3.3 How other Connecticut towns handle it

Across roughly twenty-five Connecticut town codes, commission rules of procedure and complaint forms, the state statutes, and the Office of State Ethics regulations, **exactly one Connecticut authority requires a separate complaint for each person accused** — and that one is not an ordinance. Separate *proceedings*, which is what Objective 3 is after, has a cleaner pedigree: Greenwich provides for them by default.

Norwich — the one example of one complaint form per person.

Source: City of Norwich Citizen's Guide to the Norwich Code of Ethics and Ethics Commission (amended 10-12-2010, amended 11-14-2011)

"If a complaint is being filed against more than one individual, a separate form is required for each respondent — each complaint form can name only one respondent."

But look where it lives, and note the inconsistency. That sentence is in the Norwich commission's citizen's guide. It's *not* in the Norwich Ethics Commission's Rules and Procedure Manual (adopted February 8, 2010; amended March 5, 2012), which instead directs the Norwich commission to "notify in writing the person(s) about whom said complaint(s) has been filed" and refers to "the respondent(s)" in its complaint procedures. So Norwich's binding procedural document contemplates the very thing their citizen's guide forbids. **If we adopt this rule, the lesson from Norwich is: put it somewhere binding, and make the rest of the text agree with it.**

Greenwich — the other approach, which separates proceedings rather than filings.

Source: Greenwich Board of Ethics, Statement of Procedures and Rules of Conduct (revised and adopted September 9, 2025)

§ 7(C): "If more than one Respondent is so identified, the Board will conduct separate proceedings for each Respondent unless the Board and all Respondents agree to joint proceedings."

"Where the Board is investigating multiple Respondents in connection with a single Complaint, it may consolidate its deliberations and schedule the appearance of any witness to occur concurrently pursuant to such agreements with respect to order of witnesses, cross-examinations and other matters as the Board may enter into with the affected Parties."

Greenwich takes one complaint naming several people and then guarantees individual adjudication by default, waivable only if the Board *and every respondent* agree. It also lets the Board add respondents the complainant never named.

Glastonbury — the middle path, and the closest thing to a workable model for us.

Source: Town of Glastonbury Code of Ethics, § 2-69(c)(3)

§ 2-69(c)(3)b: "In the event that an inquiry contains allegations against multiple respondents, the chair or vice chair must notify each respondent individually. Respondents are subject to the confidentiality provisions of section 2-60 and section 2-69(c)(7) of the Code."

§ 2-69(c)(3)c: "Respondents may file a written response with the chair of the commission within ten (10) business days after receiving the notice. **In response to allegations against multiple respondents, respondents may respond individually or collectively.**"

Glastonbury accepts a single complaint naming several people, then guarantees individual notice and lets each respondent decide whether to answer alone or together. That sits between Norwich, which polices the filing, and Greenwich, which severs the proceeding by default. It's also the least burdensome of the three on the complainant, and it makes the choice of joint or separate treatment the *respondent's* — which is where the interest being protected actually sits.

3.4 Suggested language

This draft does two things: it says what a complaint has to contain, and it gives each respondent individual notice, an individual response, and an individual determination. It imposes no rule about how many people a complainant may name in one filing.

(a) Add to § 2.50.070(A), after the existing text:

Each complaint shall state the name of the person accused, the specific acts alleged to constitute a violation of this chapter, the approximate dates on which those acts occurred, and whether the allegations have been presented to any other administrative or judicial authority.

The contents requirement follows the Connecticut pattern: Old Lyme § 43-8A requires the complaint to name the person accused and "specify the acts alleged to constitute the violation and when they

occurred" and to state whether the allegations have gone to another authority; Stonington § VII-1 and Montville § 49-5A are to the same effect.

(b) Add a new subsection (K) to § 2.50.070, which currently ends at (J):

(K) Complaints naming more than one respondent.

(1) A complaint may name more than one respondent. Where it does, the commission shall notify each respondent individually under subsection (D) of this section and shall furnish each of them with a copy of the complaint.

(2) Each respondent shall have an individual opportunity to respond within the period allowed by subsection (D) of this section. Respondents may respond individually or jointly, as each respondent elects.

(3) The commission shall determine probable cause separately as to each respondent, and its report under Section 2.50.090 shall state its findings, opinions, and recommendations as to each respondent separately.

(4) Where a hearing is held, the commission may hear the allegations against all respondents in a single hearing. Any respondent may request a separate hearing, and the commission shall grant the request where it finds that hearing the allegations together would prejudice that respondent.

(5) Nothing in this subsection affects the referral of a complaint under Section 2.50.040(A) or the precedence of bargaining unit grievance procedures under Section 2.50.090(G). Where allegations against one respondent must be referred or are governed by such procedures and allegations against another respondent are not, the commission shall proceed under this subsection as to each respondent remaining within its jurisdiction.

Where this follows Glastonbury and where it goes further. Subdivisions (1) and (2) are Glastonbury § 2-69(c)(3) in substance: individual notice, and a response each respondent may make alone or together with others. Subdivision (3) makes explicit what Glastonbury leaves implicit — that findings run to each respondent rather than to the group. Subdivision (4) is an addition: Glastonbury has no severance mechanism, and without one a respondent has no way to avoid being heard alongside allegations that aren't theirs. Requiring a showing of prejudice keeps that from becoming an automatic right, which is what separates this from the Greenwich model.

3.5 Open questions

The objection this draft avoids. The Norwich rule would require a complainant to file, notarize, and serve a separate complaint for each person accused. Adopting that here would raise a real barrier for

a resident without a lawyer, multiplying the notarization by the number of respondents, and it isn't necessary: subdivisions (b)(1) through (b)(3) give each respondent individual notice, an individual response, and an individual determination however the complaint arrives. If a one-respondent-per-form instruction is wanted for tidiness, it belongs on the complaint form and in the rules of procedure under § 2.50.050, not in the ordinance — that is the Norwich placement, done consistently, the way Norwich didn't.

Why not simply follow Greenwich. Greenwich § 7(C) severs proceedings for each respondent by default, waivable only if the board and every respondent agree. That gives one respondent a veto over the shape of everyone else's proceeding, and it multiplies the work of the commission by the number of people named. Glastonbury gets most of the protection for a fraction of the cost: individual notice, an individual response, and — in the draft above — an individual determination, all inside one proceeding. Subdivision (4) then lets a respondent who would genuinely be prejudiced ask to be heard separately.

The referral rules do some of this work already, and may complicate the rest. As Section 3.2 notes, § 2.50.040(A) refers allegations against an agency's own employees to that agency, and § 2.50.090(G) gives bargaining unit grievance procedures precedence. Subdivision (5) of the draft preserves both. But it means a multi-respondent filing can end up split across three different fora — us, an agency procedure, and a grievance process — none of which is obliged to reach a consistent result. That's a stronger version of the inconsistency problem raised in the question below, and it exists today whether or not we adopt anything.

Suggested questions for the Town Attorney. Whether the same conduct alleged against several people can produce inconsistent determinations in separate proceedings, whether that is acceptable, and whether it should be addressed — for instance by having the same five members hear each related complaint, which would require each of them to attend all testimony in every one of them.

Sources

Waterford

- Waterford Code of Ordinances, Chapter 2.50 — Ethics Commission (Municode) — the codified text, carrying Municode's July 27, 2026 republication stamp
- Waterford Code of Ordinances, § 2.08.050 — Conflict of interest (Municode)

Connecticut municipalities cited

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- Essex, Code of Ethics Ordinance (adopted 7-1-2015)
- Glastonbury, Code of Ethics, Ch. 2, Art. III, Div. 3 (Municode)
- Greenwich, Board of Ethics Statement of Procedures and Rules of Conduct (rev. 9-9-2025) ·
Greenwich Code of Ethics
- Guilford, Code of Ethics, Chapter 31
- Montville, Code of Ethics, Chapter 49
- Norwich, Ethics Commission Rules and Procedure Manual · Citizen's Guide
- Old Lyme, Code of Ethics, Chapter 43
- Plainfield, Code of Ethics (rev. 3-31-2009; no codified version located)
- Stamford, Code of Ordinances, Ch. 19 — Ethics, Code of (Municode)
- Stonington, Ethics Commission Ordinance
- Tolland, Code of Ethics, Chapter 6
- West Hartford, Code, Ch. 16 — Ethics, Code of
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Connecticut state law and agency materials

- CGS § 7-148h — Municipal ethics commissions
- CGS § 1-84 — Prohibited activities · CGS § 1-85 — Interest in substantial conflict
- Regs. Conn. State Agencies § 1-92-24a — Complaints
- Connecticut Code of Probate Judicial Conduct